POLITICAL ANNALS

OF

LOWER CANADA;

BEING

A REVIEW

OF THE

POLITICAL AND LEGISLATIVE HISTORY

OF THAT PROVINCE,

FROM THE ACT OF THE IMPERIAL PARLIAMENT, 31, Geo. III., c. 31,

WHICH FIRST CREATED A

HOUSE OF ASSEMBLY AND LEGISLATIVE COUNCIL

THEREIN,

TILL THE PASSING OF THE UNION PROVINCIAL ACT,

WITH PARTICULARLY ITS PRACTICAL DISCOURAGEMENT OF

BRITISH COLONIZATION.

With an Introductory Chapter on the previous History of Canada, and an Appendix of Documents, &c.

BY A BRITISH SETTLER.

Montreal:

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1828.

M. Teefy,

RICHMOND HILL

Actions in 1812-13-14
in "Appendix" to Journals
of 1857 - Book 10 paper 60

Church Property - in Lower Canada - Treaty of 1760 &c Globe: March 10 1854

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Number of Acres, - Reserved
" " Sold
Revenue &c - see Globe: Mar 2, 1854

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UNDER THE ACT OF THE IMPERIAL PARLIAMENT, 31, GEO. III., CAP. 31,

WHICH ESTABLISHED A

HOUSE OF ASSEMBLY AND LEGISLATIVE COUNCIL;

SHOWING

THE DEFECTS OF THIS CONSTITUTIONAL ACT,

AND PARTICULARLY ITS PRACTICAL DISCOURAGEMENT OF

BRITISH COLONIZATION.

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BY A BRITISH SETTLER. [pseud. [M. Fleming]]

"*Bonum civem illum dicimus qui jussis imperantium promptè paret, qui ad bonum publicum omnibus viribus connititur, ac post illud privatum bonum libenter habet; imo qui nihil sibi bonum credit, nisi idem bonum quoque sit civitati.*" PUFFENDORF, *de Officio Hominis.*

"*Qui autem parti civium consulunt, partem negligunt, rem perniciosissimam in civitatem inducunt, seditionem atque discordiam.*" CICERO, *de Officiis.*

"*Concordiâ parvae res crescunt; discordiâ, maximae dilabuntur.*" SALLUSTIUS, *de Bello Catalin.*

Montreal:

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PREFACE.

A PUBLICATION on the Politics of Lower Canada, at the present crisis of affairs, requires little apology to those who feel an interest in the peace and welfare of that extensive Colony. Nothing, in fact, of a connected description, has hitherto appeared on the subject; and it therefore seems only incumbent upon the Writer to state, with candour, the circumstances and motives which have led him to the present undertaking, and to lay before his intelligent readers his humble opinion, as to the means of redressing those grievances of His Majesty's Subjects of British descent, which his experience of them, during a residence of twenty-five years, has *brought home to his business and bosom.*

When the increasing differences between the branches of the Legislature of Lower Canada, on various subjects, and between that Province and Upper Canada, on the division of the produce of the Custom Duties levied at Quebec, induced His Majesty's Ministers, in the year 1822, to attempt a Union of both Provinces under one Legislature, the Bill which they introduced for that purpose, into the Imperial Parliament, became an object of curiosity with speculative politicians in Great Britain, and a subject of warm discussion among the interested, in the Canadas. The principal modifications of the Constitutional Act, 31, Geo. III., Cap. 31, which the Bill contained, had reference to the political situation of Lower Canada; *and their salutary object was not well understood, by persons who had not long resided in that Province.*

The Writer of the following sheets, being a warm partisan of the Union, had occasion to explain to distant correspondents, the expediency of the proposed modifi-

cations, which he found a task, not only laborious to himself, but unsatisfactory to those whom he addressed, who, in reading the Constitution, had been fascinated with it, as containing an increase of freedom and frequency in the choice of Representatives, and affording an interesting experiment of the effects of, what they called, an improvement of the British Constitution, applied to a people of foreign origin. While those correspondents acknowledged the existing evils and embarrassments alleged by the Writer, they were more disposed to ascribe them to mismanagement in the Executive Government, than to defects in the Constitution, or misconduct in the House of Assembly. This disposition convinced him, that a more comprehensive review of the political experiment, than his avocations then permitted, would be requisite to satisfy his friends, as to the expediency of the changes contemplated by the Union Bill, which, in the meantime, had been unfortunately postponed, by the opposition, on general principles, of Sir James Macintosh, who does not appear to have had the necessary information, nor the practical knowledge, which would have enabled him to pass a correct judgment, upon a measure calculated for the redress of grievances, in a Province so peculiarly circumstanced as Lower Canada.

The Writer long reflected upon this subject, and sedulously watched the progress and developement of the Constitution, in the popular branch, before the present crisis of affairs. The exclusive domination of the French Canadian Leaders in the House of Assembly, and the unlimited and fanatical support which they obtained last year from their Electors, *enjoying universal suffrage*, were grave topics of conversation and just cause of alarm among the friends of the Government, and of the Colonial connection with Great Britain; but many of them ascribed those results to the personal characters of the Leaders, and erroneously asserted, that their removal would speedily restore harmony,

and produce *a House of Assembly competent and disposed to secure the peace, welfare and happiness of all classes of the mixed population of French and English origin, in the Province.* This opinion appeared to the Writer particularly dangerous, as tending to prevent the aggrieved portion of His Majesty's Subjects from recognising the only proper remedies for the disorders which they all acknowledged to exist; and which appeared to him to derive its virulence from the natural consequences of the Constitutional Act, 31, Geo. III, Cap. 31, operating upon the old laws, so impolitically re-established by the Act 14, Geo. III, Cap. 83, under the Administration of Lord North, *of unfortunate memory.* Those Acts, therefore, and their combined effects, during a long series of years, in Lower Canada, he has now reviewed, for the purpose, not only of justifying opinions long since expressed to his correspondents, but also to enable many well meaning Subjects of British origin, to ascertain the real causes of their complicated grievances, and to recognize the only powerful remedy, which, devised by the wisdom of the Imperial Parliament, and administered by His Majesty's Government, will infallibly extirpate the disorders of a Colony, which, from its intrinsic resources and its geographical position, with reference to Upper Canada, New Brunswick and Nova-Scotia, has been emphatically denominated the *backbone* of British North America.

In reviewing the progress of the present Constitution of Lower Canada, our intelligent readers will clearly perceive, that the natural consequences of the Acts 14 and 31, Geo. III., have been *the increasing concentration of the French Canadians, as a separate people, distinguished by an established Religion and Laws, and by Language, Manners and Habits, from the Subjects of British origin in the same Province, inducing the former to consider the latter as intruders, and legitimate objects of jealousy to the "Nation Ca-*

NADIENNE." The strong temptation thus afforded to the project of exclusive domination, on the part of the French Canadian Leaders in the House of Assembly, and of complete controul in Legislation and Finance over those branches of the Provincial Government, (the King's Representative and the Legislative Council,) which are constitutionally created by the exercise of His Majesty's Prerogative, is the prolific source of the present grievances of the Subjects of British origin, and suggests the only remedies compatible with the interests of British Colonisation. *The Constitutional Powers of the House of Assembly must either be greatly diminished, and strictly confined to legislating for the Inhabitants of the Seigniories, and those of the other branches increased, for the protection of the Inhabitants of British origin in the Townships ;— or the composition of the House of Assembly must be modified, to suit the purposes of British Colonisation.* The Subjects of British origin, in the Townships, have at present no voice in the popular branch ; and the influence of the same description of persons, in the Elections for the Towns and Counties of the Seigniories, is insufficient to return *a single uncompromising Assertor of their rights.* Indeed, if it were possible for them to separate, for a moment, their feelings and sense of duty from the support of His Majesty's Government, they would unanimously withhold their votes at Elections, allowing the natural consequences of the present Constitution to take place, in producing an Assembly wholly *French in name*, as it already is Anti-British and French, *in fact.*

If we could really suppose it possible that His Majesty's Ministers would longer defer moving the Imperial Parliament, to devise, in its wisdom, some remedy for the increasing disorder, we must apprehend that, obedient to the primary laws of human society, and to the instinct of self-preservation, the population of British origin would, in such case, form itself into

affiliated Associations throughout the Province, for the protection of person and property, leaving the Executive to fight its own battles with the French Canadians and their Leaders, for a morsel of bread.

The other remedy, more congenial to the feelings of the writer, and which, in his humble opinion, is both practicable and safe, is a broad and decisive measure, calculated to alter the composition of the House of Assembly; and this remedy can be best applied, by A LEGISLATIVE UNION OF UPPER AND LOWER CANADA, on the principles of the Union Bill of 1822.

If the alteration, from views of local convenience and temporising policy, be confined to the Lower Province, in its present separate political state, religious distinctions must be adopted as the grounds of a division of power between Protestant and Roman Catholic Electors, which would be more injurious to peace and happiness, than any sectional jealousies; but the extensive measure of a Legislative Union of Lower with Upper Canada, would place a skilful Executive in a favourable position for holding the balance, and compromising the disputes between the two parties of French and English origin, in the new House of Assembly. The political characteristics and pretensions of the French Canadians, now so offensive to their fellow subjects, and so hostile to useful ameliorations, might gradually disappear; their jealousy might change to emulation; and their ambition be restrained by that just distribution of power, which, under the guidance of a wise Executive Government, would impartially promote the peace, welfare and happiness of all His Majesty's Subjects in Canada, rendering it the most useful, as it is the most extensive and most eligible for Emigration, of all the British Dominions on the American Continent.

Having thus at the outset, explained his motives for the present undertaking, and given his opinion as to the only proper remedy, for the alarming disorder which

afflicts the Country, the Writer respectfully takes his leave of the general reader; but he presumes farther to address the Imperial Parliament, in the language of a great historian, appropriate to the present crisis of affairs:—" *Aut tu mederi potes; aut omittenda est cu-*
" *ra omnibus; neque quisquam te ad crudeles poenas,*
" *aut acerba judicia invocat.*"

SALLUSTIUS, de Rep. ordinanda.

The Times Office, Printing-house Square, London.

INTRODUCTION.

"Ita imperium semper ad optumum quemque ab minus bono transfertur."

The importance of Canada, arising from a variety of causes.—Its great extent.—The brilliant events connected with its Conquest by Great Britain.--The asylum which it furnished to the American Loyalists.—Its Commercial resources.—Its Geographical position, extent, Lakes, Rivers and boundaries.—Dispute with the United States respecting the Northeastern Boundary now referred to the Emperor of Russia.—Government and political Constitution, with remarks.--Division into Counties, and apportionment of representatives.--Enumeration of Cities, Towns, &c., Improvements.—The unrepresented Townships where the English Tenure exists.—Upper Canada, its progressive settlement, with an enumeration of its Cities and Towns.—The characteristics of its population, contrasted with those of the Lower Canadians.—The Canada Company incorporated in 1826.*—Population of Lower Canada compared with that of Upper Canada, and the relative proportions stated of Subjects of French origin and those of British origin in both the Canadas.—Origin of the name of Canada.—Account of the discovery of the Country.—First discovered by Cabot, under a Commission from Henry the VII. of England, in the year* 1498.*—This part of Cabot's discoveries neglected by England.—Francis the* 1st *of France sends Verrazani to make discoveries in the same direction.—Verrazani enters the Gulph, afterwards called St. Lawrence, and takes formal possession of the coasts for the French Crown, calling the Country New France.—Progress of discovery checked by Verrazani's death, and the war in Europe.—Pursuit of Verrazani's discovery by Jacques Cartier, in the year* 1534.*—In his second voyage he discovers the places now called Quebec and Montreal.—Cartier returns to France in the year* 1536, *and remains neglected 'till the year* 1540, *when he is sent out under De Roberval.—The latter in* 1541 *discovers Cape Breton, where building a fort, and leaving Cartier, he returns to France.—Next year he discovers the coast of Labrador.—Death of Jacques Cartier, and of Roberval, and interruption of the progress of Discovery.—In the year* 1598, *the Marquis De La Roche is appointed by Henry the Fourth, Lieutenant General in Canada, &c.—He lands his Settlers on Sable Island, visits Acadia, now Nova-Scotia, returns to France and dies.—Chauvin obtains the government and exclusive trade of Canada.—He is succeeded by the Sieur De Monts, and Samuel De Champlain, the founder of Quebec.—Champlain's intercourse with the natives—he interferes in their wars against the Iroquois, and makes the latter a perpetual enemy of the Colony.—Progress of settlement by Champlain, under the Prince de Conde.—The Recollet Ecclesiastics arrive in Canada to convert*

the natives.—First arrival of the Jesuits, who quickly obtain the exclusion of De Caen and other Protestants from the trade and settlement.—General conspiracy of the natives against the French, discovered and defeated.—The possession and trade of Canada granted as a Seigniory to the Company of one hundred partners, under the patronage of Cardinal De Richelieu.—Character of this Association, partly established from religious motives.—War between England and France.—The English under Kertk take Quebec.—Injudicious and irritating conduct of Kertk towards Champlain and the Ecclesiastics.—Restoration of Quebec to the Crown of France at the Treaty of St. Germain en Laye.—Remarks on the situation of Canada at this period. Review of the progress of the power and wealth of the Ecclesiastics, and more particularly of the Jesuits.—This ambitious Order monopolises the instruction of the people, giving a peculiar character to the French Canadians.—Character and conduct of the New England and New York Colonists, contrasted with those of the Jesuits and their disciples, particularly in reference to intercourse with the Indians.—The Indians asserted to be deteriorated by the attempts of the Jesuits in Canada.—Foundation of the Jesuit's College at Quebec, by Rene Rohault.—Death and character of Samuel De Champlain.—Mr. Montmagny succeeds him in the Government.—Mr. Maisonneuve obtains the Island of Montreal, afterwards transferred to the Order of St. Sulpicians.—Bad conduct of the Company.—An Hospital established in Montreal, by Madame De Bouillon.—Montmagny succeeded by Governor Daillebout.—Hostility of the Company to Colonisation.—Daillebout replaced by De Lauzon.—Last effort of the Company, who obtain the Government for the Baron D'Avangour.—Review of Religious Establishments, including Nunneries and Convents.—Canada established as a Royal Government —Legend of an Earthquake in Canada, considered as a pious fraud of the Jesuits.—Influence of the great Minister of Finance, Colbert.—Administration of De Mesy the first Royal Governor.—Institution of the West India Company extended to Canada, with great privileges.—Administration of Monsieur de Courcelles.—Improvements projected and executed by Mr. De Talon the Intendant.—Increase of population.—Means employed to attach the rising generation to France.—Administralion of Count De Frontenac.—The Mississippi explored.—The West India Company's privileges abolished by the King.—Establishment of the Sovereign Council.—Appointment of a Bishop.—Ambitious projects of the Royal Governors.—Review of the advantages peculiar to each party, in the long rivalship between the French Canadian Government and the English Colonies.—Administration of Monsieur De La Barre.—His cruel attack on the English, produces an invasion of Canada.—Causes of the failure of this invasion.—Description of the Canadian Fur Trade.—Frontenac, by orders from France, prepares to invade the English Colony of New York.—The execution of this project prevented by the peace of Ryswic.—Plan of perpetual neutrality on the part of the French and English Colonists defeated, by the ambition of the Canadian Government.—Administration of De Callieres, and his intrigues with the Indian Allies of the English Colonies.—Administration of De Vaudreuil.—Improvements in the Laws and Commerce of Canada.—War between Great

Britain and France in Europe, accompanied by an attack on Quebec.—Causes of the failure of this invasion.—Peace of Utrecht, establishing British dominion in Nova-Scotia.—Attempts of De Vaudreuil to strengthen Canada during the peace.—Discovery of the Plant Ginseng in Canada.—Progress of Commerce.—Administration of the Marquis De Beauharnois.—His efforts to strengthen Canada by fortifications.—Jealousy of Burnet the Governor of New York; and establishment of English forts contiguous to those of the French on the frontiers.—Improvements in the laws and domestic œconomy of Canada during the peace.—Project of the French Government to encroach on Nova-Scotia, and withdraw the Acadians from their allegiance to the British Crown.—The French attempt to keep the English settlements within the line of the Allegany Mountains, and establish Posts on the Ohio, in order to impede the progress of English settlements.—Administration of De La Glassonniere.—Progress of encroachment on the side of Nova-Scotia.—Proceedings to establish a line of demarcation after the Treaty of Aix-La-Chapelle.—Jobs and speculations in Canada, during the intendancy of Begon.—Administration of De Jonquiers.—His avarice and ambition.—Administration of Du Quesne.—Affair at the Forks of the Ohio, in which the celebrated George Washington was concerned.—Intrigues of Begon the Intendant, connected with the waste of Canadian resources.—The hostilities commence which ended in the destruction of French dominion in America.—The French are successful on the Ohio, and at Ticonderoga.—Those successes only increase the determination of the English Colonists to drive French dominion from America.—Energetic Councils of Pitt's Administration in England.—Review of the resources of both parties in the final contest.—Plan of the campaign against Canada.—De Montcalm's plan of defence and enumeration of his regular and militia force.—Arrival of a British fleet and army near Quebec.—Defeat of General Wolfe at Montmorenci.—His glorious victory and death on the plains of Abraham before Quebec.—Surrender of Quebec.—Operations of the other divisions of the British forces.—Capitulation of Quebec.—Cession of Canada to Great Britain by France, at the Treaty of Paris, 1763.—Reflections.—Deplorable state of the inhabitants of Canada, at the Conquest, and efforts of the British Government for their relief.—Paper Currency of Canada under the French Government.—Abuse of the confidence of the Colonists in this currency by the Intendant Begon, and its utter depreciation, by the sudden dishonour of his Bills on the Treasury of France.—The British Government obtain the redemption of the Canada Paper Currency, by France, after the Cession, at the rate of about four per cent.—Canada established as a separate Government under the name of Quebec, and General Murray appointed Governor.—His Britannic Majesty's Proclamation of the year 1763, encouraging British Settlers by the promise of the immediate introduction of the Laws of England, and the establishment of a House of Assembly, so soon as circumstances might permit. Wisdom and policy of this Proclamation, showing the intention of His Majesty to render Quebec a British Province in fact as well as in name.—Rapid progress of British Settlement.—Establishment of a Press at Quebec, and diffusion of British principles.—Introduction of the Laws of England

and erection of Courts of Criminal and Civil Juri diction.—Erection of a Court of Chancery.—Natural dissatisfaction of the new Subjects at these changes in the Laws, which it was proposed to remove by temporary modifications of the practice of the Courts, and by giving an English education to the rising generation.—Proceedings of the Crown Lawyers to prepare a modification of the Laws of England for Canada.—Intrigues of the French Canadian Leaders to obtain the restoration of the French municipal Laws, rendered successful by the Rebellion of the old Colonies.—Progress of the Disputes between the British Government and those Colonies till measures of coercion were resolved upon.—Preparatory to hostilities, Governor Carleton advises the restoration of the French Laws in Quebec, and the establishment of the Romish Religion.—This deplorable policy adopted in the year 1774.—*The Act* 14, *Geo. III. Cap.* 83, *discourages British Settlers without obtaining the expected zealous co-operation of the French Canadians against the old Colonies, which derive from this Act new motives and reasons for continuing the Rebellion.—The Province of Quebec overrun by the rebels.—The fort of Quebec besieged by Arnold and Montgomery.—Gallant defence, by the military and British Settlers.—Apathy of the French Canadians, with the exception of a few individuals belonging to the Noblesse or Gentry of the Province.—The remainder generally neutral, but the American expedition failed more from want of money than of men.—The British Government provide Settlements for the American Loyalists, in the Waste Lands of Canada.—In the progress of those Settlements, the Loyalists prefer the Upper Part of the Province of Quebec.—Petition in the year* 1784, *subscribed by French Canadians and English Colonists, for the establishment of a House of Assembly, and the introduction of part of the Laws of England.—Extraordinary delay of six years in proceeding on this Petition.—During this delay, the intrigues of influential individuals prevail on His Majesty's Government to divide the Province of Quebec into Upper and Lower Canada.—Consequences of this impolitic measure referred to as the subject of the succeeding Chapters of the Work.*

Canada, originally called New France, afterwards the Province of Quebec, and, since its division into two Provinces by the Act of the British Parliament, 31, Geo. III, Cap. 31, sometimes called the two Canadas, is the principal British possession in North America.

This immense tract of Country, lying in the temperate zone, and chiefly in a line running from North East to South West, was finally ceded, by France to Great Britain, by the peace of Paris, in February, 1763. The glorious battle, on the plains of Abraham, before Quebec, where the brave and enterprising General Wolfe, died in the arms of victory, 12th September, 1759, produced the immediate surrender of that strong fortress, and led to the speedy subjugation of the whole Country. This Conquest, achieved in a brilliant manner, and putting an end to French dominion, in North America, with all its vexatious consequences to the old British Colonies, excited the admiration of the

British nation for some time; but, owing to various causes, which shall be hereafter mentioned, it was very much neglected, except as a military position, for thirty years; when the asylum which it was calculated to afford to part of the Royalists who, after the successful Rebellion of the old Colonies, had retreated with the Royal army, excited the attention of the British Government. Its relative position to the United States; its growing commercial importance; its ability to supply the West India Islands with Lumber and Provisions; its late defence against the American forces, and the unlimited accommodation which it is calculated to afford to the surplus population of Great Britain and Ireland, have now made it an object of great importance to the United Kingdom, and to the interests of the Empire at large. Its position also, with respect to the British Colonies of New Brunswick and Nova-Scotia, with which it communicates by land and by water; its inland Lakes, the sources of great rivers, which at different points, on the South and on the North, pay tribute to the majestic St. Lawrence, raising it to the first rank among the great rivers on the globe;—all these circumstances destine Canada to be the seat of a great Empire, containing probably fifty millions of souls, characterised by British Laws, Language and Institutions, and affording an unbounded theatre for human civilisation and improvement. The Canadas, including the coast of Labrador and the Island of Anticosti, lie between the 60th and 90th degrees of West Longitude, and between the 43d and 49th degrees of North Latitude, forming rather an irregular figure upon the Map, which some fanciful persons, taking in view Nova-Scotia and New Brunswick, have compared to a Camel kneeling to receive its load. The whole area of the Canadas may be reckoned two hundred and fifty thousand square miles: they are bounded, on the East, by the Straits of Bellisle and the Gulph of the St. Lawrence; on the North by the Territories of the Hudson's Bay Company; on the West and Southwest, by the United States and the Indian Tribes; and on the South and South East by the American States of New York, Vermont, Newhampshire and Maine, and by the British Colonies of New Brunswick and Nova-Scotia. Their boundaries on the side of the United States, have been lately settled by Commissioners, with the exception of the line between Lower Canada and the new State of Maine, now the subject of reference to the decision of a Sovereign friendly to Great Britain and to the United States, the Autocrat of all the Russias, *Nicholas the First.*

Canada, previously called the Province of Quebec, in the year 1791, was divided by His Majesty into two Provinces, under the name of Lower and Upper Canada; and this exercise of the Royal Prerogative was accompanied by an Act of the Parliament of Great Britain, 31 Geo. III. Cap. 31, giving to each Province a Political Constitution, which may be said, *like other paper Constitutions,* to contain the forms and theory without the substance and practice of that of England.

The power of making laws, for the peace, welfare and good government of each Province, under certain restrictions, and, saving the inherent rights of the Imperial Parliament, was by this Act conferred upon a House of Assembly, elected by, and intended to represent the people, as in the British House of Commons; a Legislative Council, with attributes similar to those of the House of Lords (the Members in the mean time being appointed for life by His Majesty), and a Governor, Lieutenant Governor, or presiding Administrator, representing the King, assisted by an Executive Council, like the Privy Council, appointed during pleasure. The operation of this Act, particularly in the Lower Province, being the principal subject of the following Chapters, we refer our readers to them; and we shall proceed briefly to state the political Divisions, principal Towns and Settlements of Lower Canada. This Province is situated on both banks of the St. Lawrence, and the river Ottawa, and is at present chiefly inhabited by a population of French origin, professing the Romish Religion, holding their Lands from Seigneurs under a Feudal Tenure, regulated in all controversies respecting property and civil rights by the old French laws; and, by means, of an almost universal suffrage, possessed of the complete controul of the popular branch of the Legislature, in matters of Legislation and Finance, The population of British descent, equally subjected to the French laws, and to the new regulations originating in the popular branch, is about a sixth of the whole, and is located in the proportion of about one half in the Towns and Roman Catholic Parishes, and the rest in Townships beyond the Seigniories, and chiefly on the South East of the St. Lawrence. As mentioned in the Preface, the inhabitants of these Townships, holding their Lands under the English Tenure of Free and Common Soccage, are not represented in the Provincial Legislature; while the influence of the other inhabitants of British descent, in the general elections throughout the Seigniories, is not sufficient to return a single Member devoted to their interests.

This Lower Province, agreeably to Lieutenant Governor Clarke's Proclamation, dated 7th May, 1792, still continues divided into twenty one Counties: *Gaspé, Cornwallis, Devon, Hertford, Dorchester, Buckinghamshire, Richelieu, Bedford, Surrey, Kent, Huntingdon, York, Montreal, Effingham, Leinster, Warwick, St. Maurice, Hampshire, Quebec, Northumberland and Orleans:* Eighteen of which send two Members each, while *Gaspé, Bedford and Orleans* send one Member each to the Provincial House of Assembly.*

Lower Canada contains the following Cities and Boroughs, besides

* The House of Assembly, owing to its French propensities, has quarrelled much with the English names given to those Counties; and, in the Bill lately introduced for a new Division, French names were substituted, thus affording one of the many specimens which that incompetent body has given of its hostility to the native language of His Majesty.

many Villages in the Seigniories and Townships:* QUEBEC, the present Capital, situated chiefly on a lofty point of land, on the Northwest side of the St. Lawrence, nearly four hundred miles from its mouth, very strong by nature, and completely fortified by art, contains within and without the fortifications, about twenty thousand souls; and sends four representatives to the Assembly. MONTREAL, one hundred and eighty miles above Quebec, built on the East side of an Island, formed by the junction of the St. Lawrence with the Ottawa, the water boundary between both Provinces, contains about twenty-five thousand inhabitants, and also returns four Members of

Quebec

Montreal

* Note.—The following is the result of a Census of the Population of Lower Canada, taken in the year 1825.

Population also See folio LVII

The Counties are placed in the same order as in Lieutenant Governor Clarke's Proclamation, already referred to:—

1	Gaspé (a Maritime District and County, which ought to be joined by Law, as it is by nature, to the Province of New-Brunswick) contains	6,425
2	Cornwallis	20,012
3	Devon	11,934
4	Hertford	14,044
5	Dorchester	19,707
6	Buckinghamshire, including several Townships, whose Lands are held in Free and Common Soccage,	33,522
7	Richelieu, do. do. do. do. do.	36,256
8	Bedford, do. do. do. do. do.	23 654
9	Surrey,	11,573
10	Kent,	10,890
11	Huntingdon, including several Townships,	39,586
12	York, including several Townships on the Ottawa,	30,096
13	Montreal, an Island, including the City of that name,	37,085
14	Effingham,	14,921
15	Leinster,	16,757
16	Warwick,	15,935
17	St. Maurice, including the Borough of Three Rivers,	21,066
18	Hampshire,	13,312
19	Quebec, including the City of the same name,	28,623
20	Northumberland,	11,212
21	Orleans, an Island near Quebec,	4,022
		423,630
	Of this population, one sixth is of British descent, which being deducted	70,505
	Leaves this number of French origin,	353,125

And as Upper Canada, by a late Census, has been found to contain	175,000	
To which, adding the English in the Lower Province,	70,630	
Making a total of		245,630

It may therefore be concluded, that of the whole population of Upper and Lower Canada, more than two fifths are Subjects of British descent, distinguished from the population of French origin, by their attachment to English Laws, Language and other characteristics: indeed, the continuation on the same scale of emigration which has existed during the last twelve years, must make the British equal to the French population before the year 1840.

Assembly. THREE-RIVERS, *a Royal Borough*, situated on the North-west side of the river St. Maurice at its confluence with the St. Lawrence, nearly midway between Quebec and Montreal, contains about three thousand inhabitants, and sends two representatives. WILLIAM HENRY, also a Royal Borough, situated at the junction of the river Sorel or Chambly with the St. Lawrence, in His Majesty's Seigniory of Sorel, contains about twelve hundred inhabitants, and sends one Member to the House of Assembly, thus completing the fifty Members allowed for the popular branch by the Act of the British Parliament, 31, Geo. III. Cap. 31.

Among the unrepresented Towns and Villages, we may mention in the Seigniories, beginning with the North, KAMOURASKA, a place frequented for the benefit of sea bathing ; BEAUPORT, near Quebec, and BERTHIER, places of some Trade ; L'ASSOMPTION, rather declining ; *Terrebonne*, having some Manufactures ; DORCHESTER or ST. JOHNS, near the fort of Chambly, the seat of a Custom House for importations by the route of Lake Champlain from the United States ; ISLE-AUX-NOIX, a strong fort, containing, besides its military garrison, a few traders and mechanics ; LAPRAIRIE, opposite Montreal, a sort of resting place for travellers and traders from the United States, waiting a passage across the St. Lawrence ; LACHINE, connected with Montreal by a beautiful Canal for boats, saving the risk of navigating the rapids of the St. Lawrence, containing Stores for His Majesty's service and for the merchandise of individuals : POINT CLAIRE, and the CEDARS, small villages at present, but so favourably situated as to promise improvement ; and lastly, on the line of the St. Lawrence, COTEAU-DU-LAC, containing a Custom-House to superintend the intercourse of the United States and Upper Canada with the Lower Province. Inland, we have the village of ST. EUSTACHE, on the route from Montreal to the Settlements on the Ottawa ; and, in the same direction, THE LAKE OF THE TWO MOUNTAINS, which, with the village of LORETTE, near Quebec, and that of SAULT ST. LOUIS or COGHNAWAGA, opposite LaChine, and BECANCOUR, near Three-Rivers, forms the principal residence of the Roman Catholic native Indians, under the special protection of the King. The Village of ST. ANDREWS, as containing an Episcopal and a Presbyterian Church, a Paper Mill, and other incipient establishments, should be mentioned, in connection with the rising Settlements which gradually spread between the St. Lawrence and the Ottawa. On this river, the Grenville and Rideau Canals now carrying on at the expense of the Imperial Government, with views of Military defence and interior communication, are promising great encouragement to Settlements ; and it is probable that a writer, undertaking a slight view of Lower Canada, in the year 1850, will find it his duty to notice fifty Villages between Montreal and the Lake Chaudiere on the Ottawa ; on the Upper Canada side of which, in 1827, was founded BYTOWN, the commencement of the Rideau Canal, connecting the waters of Lake Ontario with those of the river Ottawa.

In the Townships, on the South East of Montreal, which are inhabited by about forty thousand souls of British descent, and chiefly engaged in Agriculture, there are several flourishing Villages, including SHERBROOKE, where the District Court and Gaol of St. Francis were recently established; but the present state of those Townships affords no satisfactory criterion to judge of their capabilities, *when they shall have obtained English laws, a due share in the Provincial Representation, and Public Offices for the Registration of all mutations of Real Estate and encumbrances thereon.*

Though the state and politics of the Lower Province are the principal objects of the following sheets, we shall slightly allude to those of Upper Canada.

The Upper Province, having rapidly extended its settlements, has undergone a variety of divisions into Counties, and the number of Members of the House of Assembly, has gradually extended to forty-four, in this present Parliament, elected in the year 1824.

The principal Towns are YORK, the seat of Government, situated near the head of Lake Ontario, and about 450 miles above Quebec. Besides Barracks for Troops, and various Government buildings, it contains a handsome Church, and several neat private Houses: its population has been reckoned 2000 souls; but it is neither considered well adapted for a Capital, nor for a Commercial Emporium: this City returns one Member to the Assembly. NIAGARA, at the West end of Lake Ontario, and about 525 miles above Quebec, notwithstanding its entire destruction by the American General Maclure, during last war, has been rebuilt, and is a well situated and thriving place of trade. QUEENSTOWN is a place of great importance, at the foot of the Falls of Niagara, which, interrupting the navigation, require the landing of all Merchandise and Stores, and their transportation by land, about ten miles to CHIPPEWA, on the River Welland, leading through the Grand River into Lake Erie: this portage will, however, be rendered unnecessary, by the Welland Canal, a great work now rapidly advancing to completion under the joint auspices of the Provincial Government, and of a private Company. Returning towards Lower Canada, we find the large Town of KINGSTON 385 miles above Quebec, near the egress of the River St. Lawrence from Lake Ontario: this Town was commenced by the American Loyalists in 1784, and has rapidly increased in Population and Commerce, and in Military and Naval importance: it was the great Naval Depot during the late war, when Naval predominancy was contended for by the late *Sir James Lucas Yeo*, against the American Commodore *Chauncey*, and when Ships of the Line first sailed and fought upon the inland Seas of Canada. Kingston is commanded by a strong Fort on Point Frederick, which protects its Naval Docks, and the vessels of war now laid up in ordinary, in charge of Commodore *Barrie*, the Naval Commissioner.

× Niagara a Town

× M'Tuffy walked through the principal street on 16th Aug 1860 and was impressed with its appearance of desolation

Above and below Kingston, many places in Upper Canada are rising to Commercial importance, both on the River St. Lawrence and in inland situations; *Coburg*, *Bath*, *Prescott*, *Brockville*, *Williamstown*, *Lancaster and Perth*, are thriving Settlements, having Churches, Schools, Court-houses, and Post Offices; Brockville has a weekly Newspaper, *the Brockville Recorder.**

Indeed, the Population of Upper Canada forms a contrast to that of the Lower Province, in general education and avidity of information, more particularly with respect to passing events and Provincial Politics, rivaling, in these respects, their American neighbours. The Upper Canadians are also ambitious of Office, either in the Militia, or in the Civil and Legislative Departments: in this last, the daily allowance to the Members of the Assembly, appears a hurtful stimulus, inconsistent with the analogies of the British Constitution, and which has brought into the popular branch, many poor Members incompetent to legislate on the property of the Electors. An argument on this point, may be raised from the general poverty of new Settlements; but it still remains to be shown, whether an unpaid House of Assembly, in Upper Canada, would not be more useful, as well as more respectable, than one receiving pay, and in this respect, divested of that Legislative independence which seems most congenial to the British Constitution.

NAME. The derivation and meaning of the word CANADA, the name of this Country, are equally subjects of conjecture. On the arrival of *Jacques Cartier*, at the *Bay de Chaleurs*, the Indians, in answering the signs by which he intimated his desire to know the name of the Country, frequently repeated an articulated sound which this fanciful Frenchman compared to the Spanish words "*aca nada*," "nothing here." Having been disappointed in his expectation of finding gold and silver in the Country, he was tempted to suppose that the Spaniards had formerly visited it; and, the precious metals being the objects of their search, they might have frequently repeated "*aca nada*," which the Indians recollecting, would naturally repeat to adventurers of similar appearance. Less fanciful enquirers have derived the name Canada, from the Indian word KANATA, signifying "*a collection of huts.*"

Canada Company

* The Canada Company, incorporated in the year 1826, having purchased from the Imperial Government, the Crown Reserves and other waste lands in Upper Canada, is now, under the superintendance of Mr. Galt, increasing the settlement of many neglected parts of that Province. Much good indeed may be expected from a Corporation, which can only reap a compensation for the employment of capital from an increase of population and industry in the Province, to promote and facilitate which, good communications by land and by water are necessary, as well as encouragement to concentration, by founding Towns and Villages, in favourable and healthful situations. This Company having identified its prosperity with that of Upper Canada, connected with the Lower Province, by Geographical position and communication with the sea, should feel an intense interest in the concerns of those Provinces.

This Country, including the whole Coast of the Gulph, appears to have been first discovered by the celebrated Italian adventurers *John* and *Sebastian Cabot;* and some writers have endeavoured to give it accordingly the name of CABOTIA. They sailed under a Commission from HENRY THE SEVENTH OF ENGLAND; and their principal object was, by a North-west course, to reach the *East Indies* or *China*, the latter Country being then called CATHAY; and *Sebastian Cabot*, about the year *one thousand four hundred and ninety-eight*, is supposed to have explored both the *Gulph of the St. Lawrence*, and the Atlantic Coast, without, however, taking formal possession of the Country, or attempting any settlement. Meantime, FRANCE, rich in internal resources, with a population peculiarly attached to their fine Country, felt little ambition for such researches; and it was chiefly the personal jealousy of FRANCIS THE FIRST, roused by the pretensions of Spain and Portugal to monopolise the new world, which produced the first French voyage of discovery. Italy, which produced the splendid discovery of applying the polarity of the magnet, under the mechanism and name of the *Mariner's Compass*, to purposes of navigation, also supplied the best navigators; and JOHN VERRAZANI was the Italian chosen by *Francis*, to open this new career of ambition, who after various attempts, in which, according to *Charlevoix*, he discovered *Florida*, and thence sailing back, around the American Coast, to the fifteenth degree of latitude, there took formal possession of the Country, calling it "LA NOUVELLE FRANCE," "NEW FRANCE." Returning to France in the year 1521, with no specimens of the precious metals nor of valuable merchandise, nor even enabled to present at Court strange men or other objects of interest or curiosity, *Verrazani* was coldly received; and, with more particular instructions, he resumed his voyage of discovery; but he had no sooner reached the Continent of America, and attempted to correspond with the Natives, than he excited their jealousy, and lost his life in an affray. This unfortunate result, and the arduous concerns of *Francis* in *Europe*, who was taken prisoner in the year 1525, at the battle of *Pavia*, prevented further attempts till the year 1534; when the experience gradually obtained in fishing voyages from St. Maloes to Newfoundland, had prepared native Frenchmen to undertake discoveries on the American Coast. From this period, therefore, we have distinct accounts of the progress made in the discovery and settlement of CANADA.

DISCOVERY and HISTORY.

A. D. 1534.

This year, *Jacques Cartier*, an experienced Navigator, was Commissioned by *Francis the First*, King of France, to continue the discoveries of *Verrazani*, and endeavour to render them advantageous to the Kingdom. Leaving *St. Maloes*, on the 20th of April, he coasted great part of the Gulph, which he afterwards named *St. Lawrence*, taking formal possession of the Country, and returning to France with two of the Natives, but without any specimens of the precious metals, which were the primary objects of European cupi-

dity. His enterprising Monarch, nevertheless, despatched him the
A.D. following year, with three Vessels, the largest, being only 120 tons
1535. burthen, called the *Grande Hermine;* and he was accompanied on this voyage, by some young gentlemen, as volunteers, and by the two Natives, as interpreters. Having reached the Gulph, on the festival of *St. Lawrence*, he named it accordingly; and, from the same coincidence of time, he called the Island, now known by the name of Anticosti, *l'Assomption.* Continuing his progress, he reached the mouth of a large River running Northwards into the *St. Lawrence*, for which he adopted the Indian name *Saguenay*, which it still retains. Leaving his vessel there, he proceeded in his boats, with his volunteers, in search of winter quarters; and, on the 8th of September, reached the scite of QUEBEC, which name has been fancifully ascribed to the exclamation "QUEL BEC," uttered by one of his Sailors, at sight of the bold point of land, which there advances and contracts the broad current of the River. Here he found an inhabited Village, which the Indians called STADACONE; and, near the Village, at the mouth of the River, now called *St. Charles*, he laid up two of his larger vessels, the *Grande and Petite Hermines*, and sailed in the *Emerillon*, as far as that expanse of the River, which is now called *Lake St. Peter.* Thence pursuing his voyage in boats, he reached a Village, called by the Indians HOCHELAGA, situated upon an Island at the foot of a Mountain, which last he called *Mont Royal*, the origin of the present name of MONTREAL.

10 August

Quebec

Montreal

Having found the Indians every where friendly, and inclined to consider himself and his crew superior to human beings, he left Montreal; and, returning to the wintering ground at the mouth of the *St. Charles*, on the anniversary festival of the Holy Cross, he called it *St. Croix Harbour;* where, on the 15th of November, *(old style,)* his vessels were frozen in.

Though the River became navigable for Canoes opposite to St.
1536. Croix Harbour, on the 22d of February, the ice remained firm there till the end of March; and it was only on the fifth of April, that the vessels were perfectly disengaged. During the winter, he had lost twenty-five men, by the scurvy, which induced him to dismantle one of his vessels; and, having decoyed on board the Chief of the Indian Village, he sailed for France on the 6th of May; and, proceeding slowly, with the view of observing the Coasts and Islands of the River and Gulph, he left *Cape Race, Newfoundland*, on the 19th of June, and, reaching St. Maloes on the 16th of July, he prepared his Report to the King of France.

After this year, *Cartier* was left long to expatiate in vain, upon the advantages to be derived from establishing a Colony in his new discoveries; for the French Court participated in the incorrect opinion then prevalent, that such distant Countries only as contained
1540. mines of Gold and Silver were worth possessing. In the year 1540, however, having succeeded in recommending his projects to certain

spirited individuals, he obtained an appointment as *Captain General*, under *François de la Roque, Seigneur de Roberval;* who was Commissioned, by *Francis the First*, as Viceroy and Lieutenant General in CANADA, HOCHELAGA, &c. A.D.

Roberval was detained, by unexpected difficulties, during this year; but he despatched *Cartier*, who, after a stormy voyage, reached St. Croix Harbour, on the 24th of August, and, proceeding upwards four leagues, he built a fort at the mouth of a small River, which he called *Charlesbourg;* where he left a garrison, and returned to France.

In the year 1541, *Roberval* left France, with five vessels well manned and equipped, having *Cartier* as chief Pilot or Conductor. Much contradiction exists in the historical accounts of this voyage; but it appears that, either on the Island of CAPE BRETON, originally called *Isle Royale*, or on the adjoining Coast of the Gulph St. Lawrence, *Roberval* and his associates built a fort; where *Cartier* was left Commander, with a numerous garrison, well provisioned, and with one of the vessels belonging to the Expedition. *Roberval*, however, hastened back to France, for the purpose of obtaining additional encouragement and Settlers. 1541.

In the year 1542, he had proceeded as far as Newfoundland, having three Ships and two hundred persons, besides supplies of provisions on board, for the new Settlement; when he was disagreeably surprised at meeting Cartier returning with the remainder of the Colonists, whom the inhospitable nature of the Country, and the rising jealousy of the Indians, had induced to abandon the fort, and to embark for France. *According to the Historian Charlevoix*, Roberval being a man of firmness and address, prevailed upon the fugitives to change their course, and second him in fulfilling the instructions of the King. Having restored order in the garrison, which he again left under Cartier's command, he despatched one of his Officers, named Alphonse, to examine the Coast of LABRADOR, in the vain hope of finding a passage to the East Indies. He himself is stated to have ascended the River St. Lawrence, and to have entered the River Saguenay; but nothing satisfactory has reached us, on the subject of his progress, or of his various voyages to Canada, from this year till the year 1549; during which interval, Jacques Cartier, ruined in health and in fortune, returned to France, and died neglected by his thoughtless Countrymen. 1542.

Roberval's pursuit of discovery and settlement, had been long interrupted, by the duty of serving his King in the famous struggle for power and glory, between Francis the 1st of France, and Charles the 5th of Spain; but Francis being now dead, and the troubles of France pacified, our noble Adventurer resumed his former career; and, associating with himself his brother, of equal celebrity, he embarked for Canada, with a numerous train of enterprising young men; but they were never heard of afterwards, the whole being supposed to have perished at sea. This misfortune destroyed, for a time, 1549.

all hopes of supporting an establishment in Canada; and, during
A. D. fifty years, no measures were taken for succouring the descendants of the few French Settlers who had remained in that Country.

1598. The Marquis de la Roche was appointed, by HENRY THE FOURTH, his Lieutenant General in Canada, Hochelaga, &c. His Commission is the first, which makes provision for partitioning the discovered lands into Seigniories and Fiefs, to be held under the Feudal Tenure, and as a compensation for military service in the field, when required.

Having resolved to examine the Country, before carrying out many Settlers, he embarked, along with about sixty persons *of ruined fortunes;* forty of whom he landed on SABLE ISLAND, a place totally unfit for cultivation. He next reconnoitered the neighbouring coast of Acadia, now called NOVA SCOTIA; and, having collected the information deemed necessary, he returned to France, being prevented, by tempestuous weather, from executing his design of withdrawing the forty persons left on Sable Island; and twelve miserable survivors of those unfortunate people, were only rescued from their hopeless situation in the year 1605. But the Marquis de la Roche was not destined to resume his career; for his private misfortunes retained him in France; where he is said to have fallen a victim to disappointment and chagrin, soon after his return.

1600. M. Chauvin, a Naval Officer, this year, obtained from Henry the Fourth, a Commission granting to him an exclusive trade with Canada, and other rights and powers similar to those conferred on the Marquis de la Roche; and he associated with himself Pontgravé, a skilful Navigator and Merchant at St. Maloes. They made two gainful voyages to TADOUSSAC, near the mouth of the Saguenay River, carrying on an extensive trade in Furs, with the Indians; who, for mere trifles, exchanged valuable Skins.

1603. While preparing for his third voyage, Chauvin died; and Pierre Dugast, Sieur de Monts, a Calvinist, received from Henry the Fourth, a patent, conferring on him the exclusive trade and government of the territory, situated between the 40th and the 46th degrees of latitude: though himself of the reformed Religion, he was enjoined by his patent of appointment, to convert the native Indians to the Roman Catholic Tenets. To this gentleman, and to M. de Chatte, the Governor of Dieppe, in Normandy, belong the credit of associating, in their schemes of Trade, Discovery and Colonisation, the celebrated SAMUEL DE CHAMPLAIN, who founded Quebec, and, by his personal character and exertions, contributed greatly to render Canada an object of lasting interest to France and to European Christendom.

1607. After a variety of fortune in establishing trading posts, which he left in charge of his associates, in L'Acadie, now called Nova Scotia, the Sieur de Monts lost his privilege; and only obtained a renewal of it, by agreeing to form a new establishment on the River St. Lawrence. After this engagement, two vessels were equipped, and placed under the command of Champlain and Pontgravé; but the whole year was

passed in carrying on the Fur Trade from Tadoussac, while the Acadian Colony was suffered to go to ruin, and that, proposed on the St. Lawrence, was delayed. A. D.

At length, Samuel de Champlain, whose laudable ambition was not confined to Commercial pursuits, resolved to effect the establishment contemplated by the French Court; and, sailing from France with three Ships containing Emigrants, he entered the St. Lawrence; and, at the spot where that River is joined by the St. Charles, and becomes contracted in its Channel, he landed, erected huts for his Settlers, cleared some Land, sowed Wheat and Rye, and laid the foundation of the City of Quebec, the Capital of New France, on the 3d of July, 1608.* 1608.

Champlain's infant establishment soon excited the curiosity of various tribes of Indians; and *the Mountaineers*, who inhabited the lower part of the St. Lawrence, *the Algonquins*, who occupied its shores from Quebec to Montreal, *the Hurons*, whose principal residence was on Lake Huron, and other less considerable tribes, all engaged in war with *the Iroquois*, solicited and obtained the assistance of the French. Without foreseeing the consequences, Champlain taught them the use of fire-arms; and even joined them in offensive operations against the powerful *Iroquois, or Five Nations*. In this thoughtless manner, began the ruinous contests between his Settlers and the Iroquois, who afterwards obtained the support of the English and Dutch Colonies, and continued their predatory and cruel warfare with little intermission, notwithstanding the conciliatory efforts and intrigues of the Jesuits, till the final subjugation of Canada by Great Britain, in the year 1759. 1609.

Leaving the Colony under the command of Pierre Chauvin, Champlain returned to France, in the year 1609.

Champlain is stated by Charlevoix, this year, to have reached Tadoussac from the French Coast, in the remarkably short passage of *eighteen days*. Elated with the admiration of the Indians, and having made an easy campaign last year, against the Iroquois, Champlain joined his allies; and, after a fatiguing march, and some desperate fighting in the neighbourhood of the Lake, afterwards called by his name, LAKE CHAMPLAIN, he again obtained the victory, chiefly by the effects of his fire arms. 1610.

Having returned safely from this second expedition, Champlain was preparing to form an establishment at Montreal; when accounts of the assassination of Henry the Fourth, obliged him to revisit France; and that melancholy event having deprived Mr. De Monts of the support and patronage requisite for the promotion of his Commercial views, and for the protection of the infant Colony, he exhor-

* Charlevoix says that *Quibeio*, in the Algonquin and *Quelibec*, in the Abanaqui tongues, signify a *contraction*; and he thus accounts for the name of Quebec given to the new City, in a less fanciful manner than has been done elsewhere.

ted Champlain to seek a powerful patron at the Court of the Queen
A.D. Regent, MARY DE MEDECIS.

1611. Charles de Bourbon, Comte de Soissons, had hardly been saluted Father of New France, appointing Champlain his Lieutenant, when he died; but he was immediately replaced by De Condé, a Prince of the Blood Royal, who confirmed Champlain's appointment.

1612. This whole year was spent by Champlain in France, owing to the intrigues of certain Merchants of St. Maloes, who obliged himself and his associates to give them a share of the exaggerated advantages of the exclusive Trade, conferred by the Royal Patent.

1613. Champlain sailed from St. Maloes, on the 6th of March, with only one Ship, commanded by his friend Pontgravé, lately returned from L'Acadie; and they reached Quebec on the 7th of May, which place being found in good condition, they ascended to the Indian Village of Hochelaga, near the present scite of Montreal; where they amused and astonished the natives, with warlike shows and exercises. Thence, quitting Pontgravé, Champlain explored a part of the great River OTTAWA, whence, hastening to Quebec, he arrived with his friend at St. Maloes, in the end of August.

1614. This year was passed in forming a new and more extensive Commercial association with Merchants at St. Maloes, Rouen and Rochelle, which being approved by the Prince de Condé, Viceroy of New France, he obtained the Royal Letters Patent for the establishment of that Company, which, to promote the important object of spreading Religion, agreed to defray the expenses of four Priests of the Order of RECOLLETS, who undertook the dangerous voyage to New France, for the purpose of administering spiritual consolation to the Colonists, and founding Missions for the propagation of the Gospel among the Indians. The apparent subserviency of Colonial Policy and Commerce to the Religion of the State, in the progress of events, will form an interesting contrast between the French and the English Colonies, in North America.

1615. The Indians began to practise upon Champlain's easy temper and romantic disposition, being desirous of using his troops chiefly to secure the victory, without giving them a due share of the glory or of the spoil. This year, the Hurons went on an expedition, carrying along with them, FATHER JOSEPH CARON, a *Recollet*, leaving Champlain behind, who afterwards followed; and his force and fire-arms were found necessary to dislodge the enemy from a kind of fort which they had erected. On this occasion, Champlain was severely wounded, which accident led to a hasty, but not disorderly, retreat on the part of the allies, who obliged him and Father Caron, to pass the winter in their Country. Submitting with a good grace, and availing himself of his favourable position for exploring the Country, and
1616. studying the character of the Indians, Champlain visited the Huron Villages, extending his tour to LAKE NIPISING, where the Algonquins had some establishments. Learning, however, that his savage

allies intended to drag him into another expedition, he engaged some Indians to seize the opportunity of the first opening of the navigation, to convey Father Caron and himself to Quebec; where they arrived the 11th of July, 1616, to the great surprise and joy of the Colonists, who thought them both dead. A. D.

Father Joseph Caron, no less zealous in his vocation, had gained some knowledge of the language of the Hurons, observed their haunts, and fixed, in his own mind, the proper stations for Evangelical Missions among them.

After remaining a month at Quebec, Champlain and Father Joseph Caron, returned to France, accompanied by the Superintendant of the Evangelical Mission.

This year is memorable, on account of the combination of the late allies of Champlain, for the extermination of the French; their machinations having been fortunately discovered, by one of themselves, to a Recollet Friar, named Pacifique Duplessis, he prevented the calamity, by exciting jealousies and divisions, and bringing over some influential individuals among the conspirators to his views of peace. Their cruel resolution has been ascribed to their fears of being severely punished, on the return of Champlain, for the murder of two Frenchmen; but the good Friar acted as a mediator; and Champlain, choosing a middle course between European and Indian ideas of justice, accepted the offer of the Savage to place one of the murderers at his mercy; to present a large quantity of Furs to the relations of the deceased, and to deliver two of their Chiefs as hostages into his hands. 1617.

During three years, the troubles of the Regency in France, deprived *the Prince de Condé* of his liberty, and of the due exercise of his Viceroyalty; and combined with the avidity and jealousy of the Traders, under the Patent, to paralyse the efforts of Champlain for the security and advancement of the Colony. But this year, Marshal Montmorenci having purchased the Prince's Viceroyalty for eleven thousand Crowns, he confirmed Champlain's Commission, and appointed Monsieur Dolu, a highly respected Officer of Justice, as Colonial Agent in France. Canadian prospects having thus brightened, Champlain ventured to convey his family to New France. He arrived at Tadoussac, in time to stop the intrusion of some Rochelle Adventurers, whom he surprised not only violating the rights of his associates to the exclusive Trade of the Country, but likewise selling fire-arms to the Indians, which dangerous practice had been hitherto wisely avoided. 1620.

This year, *the Iroquois or Five Nations* seem to have extended their views from merely predatory warfare against the Colony, to a settled plan of extermination; for they now perceived the new bond of Religion uniting the French with the Hurons, and with the other objects of their inveterate hostility. Dividing their forces, they attacked the Colonists and their allies, at three different points; and, though 1621.

A. D. repulsed at the principal posts, they ravaged the surrounding Country, and excited such alarm in Champlain, that he called a Council of the Priests, Officers, and chief Colonists, which advised the immediate despatch of a Deputy to France, to lay before His Majesty and the Duke of Montmorenci, the deplorable situation of the Colony, and the culpable neglect of the Association to provide for its support, and to fulfil the general condition of their Patent. *Father George Bailliff*, personally known to the young King, being chosen Deputy on this occasion, succeeded in his important Mission. The Company was suppressed; and the rights of the delinquent Association were transferred to *William and Emeric de Caen*, two Protestants, admissible, under the wise and humane policy of the edict of Nantz, to places of trust, power and profit, under the French Crown.

1622 Fourteen years had now elapsed since the foundation of Quebec; but its population did not exceed fifty souls; its Commerce was insignificant, and the principal station for the Fur Trade continued to be Tadoussac, though another had been lately established at THREE RIVERS, 25 leagues above Quebec.

1623 Mr. Pontgravé, one of the greatest benefactors of New France, was this year obliged to return to Europe, on account of bad health; and William de Caen himself visited Quebec; where, though a Calvinist, he was well received, and continued popular for some time, among Roman Catholics.

Champlain, whose department was not Commerce, but Military and Civil Superintendance, was at this period alarmed by a report that the Hurons intended to enter into alliance with the Iroquois; and he hastened to send back to the former Father Joseph Caron, accompanied by a Recollet Priest and a Friar, just arrived from France; in the hope of preventing a coalition so dangerous to the infant Colony.

1624. Champlain built this year, at Quebec, a Fort of stone, and he afterwards returned to France with his Family, and there found Marshal Montmorenci, in treaty with his Nephew, Henry de Levi, Duke of Ventadour, who finally acquired the Viceroyalty of New France. This nobleman purchased the charge from religious motives, being zealous for the propagation of the Catholic Faith, among the Indians; and, under his auspices, with the King's permission, three Priests of the order of Jesuits, were appointed to found a Mission at Quebec.

1625. The names of the Priests devoted to this Mission, were *Charles Lallemant*, *Enemonde Massé*, and *Jean de Brebœuf;* but it required all the characteristic address and management of the Jesuits to overcome the prejudices against their Order, which were deeply felt in France, and industriously circulated in Canada.

This year, *Nicholas Viel*, a Recollet Priest, and a young Indian Proselyte, returning to Quebec from Lake Huron, were drowned, by the oversetting of their Canoe, in a rapid of the Channel which di-

vides the Island of Montreal from the Island of Jesus. The fatal place is still known by the name of the *Sault de Recollet*, or the Recollet Rapid. This event was suspected by some, to have arisen from design, on the part of the Indian Conductors of the Canoe, who, escaping with their lives, carried off the baggage of their late passengers. A. D.

This year, three more Jesuits arrived, with some Mechanics; and, under the superintendance of Father Enemonde Massé, Quebec began to improve, and to assume the appearance of a City. That jealousy against the Jesuits, experienced elsewhere, pursued them into Canada, and produced a series of vexatious proceedings, on the part of M. de Caen, who, being at their instance, *as he supposed*, reprimanded by the Viceroy, became still more troublesome from motives of revenge. 1626.

he turned traitor see page XXIX

Champlain, having this year returned to Quebec, readily perceived the lamentable effects of those jealousies and disputes, which not only encouraged the insults and atrocities of the Indians, but likewise interrupted the building of houses and clearing of Land in the surrounding Country. De Caen and his associates, attended to the Fur Trade only; while Religious dissensions, combined with their culpable neglect of Civil duty, to increase the disorders of the little Colony. As a remedy to this desperate state of affairs, recourse was had to the strong measure of transferring the Commerce of New France to a powerful Association, called *the Company of a Hundred Partners*, consisting of Clergy and Laity, and established under the special patronage and management of the celebrated CARDINAL DE RICHELIEU, Grand Master, Chief and Superintendant of the Navigation and Commerce of France. 1627.

This Association, as declared by the Royal Edict of the 19th of April, 1627, was established, for the primary purpose of converting the native Indians to the Catholic Faith, by the precepts of a zealous Clergy, and by the example of a respectable body of devout Settlers, and with the secondary view of obtaining for his Majesty's Subjects, new Commercial advantages, derivable from a better management of the Fur Trade, or from the desirable discovery of a route to the Pacific Ocean, and to China, through the great Rivers and Lakes of New France.

From such extensive views and motives of a spiritual and temporal nature, the powers and privileges conferred on the Association, were great and unprecedented; but the duties imposed upon that body, were so much evaded in the sequel, that none of the brilliant anticipations of worldly advantages to the French Nation, were ever realised.

The Company held New France, with the extensive privileges of a Feudal Seigniory under the King; to whom was owing fealty and homage, and the presentation of a Crown of Gold at every new accession to the Throne. With the right of soil, a monopoly of Trade was granted. The King only reserved, for the benefit of all his Sub-

jects, the Cod and Whale Fisheries in the Gulph and Coasts of the
A. D. St. Lawrence; and, to such Colonists as might not be servants of the Company, was secured the right of trading with the native Indians for peltries, it being understood that, on pain of confiscation, they should bring all their acquisitions of Beaver Skins to the Factors of the Company, who were bound to purchase them at forty Sous a piece.

1627. The religious features of the plan, characteristic of the great Cardinal de Richelieu, were strongly marked, and had a lasting influence on posterity, and on the future destiny of the Country. The new system entirely excluded PROTESTANTS and other HERETICS, as well as JEWS; the Jesuits were to be supported by the Company; and a large field was opened for the exercise and display of the talents of that ambitious Order, so eminently calculated for the instruction and subjugation of uncivilised Nations.

To facilitate the duty imposed on the Company of settling the Country, all the rights of Subjects, in Old France, were extended to Emigrants and to their posterity; so that their departure should not derogate in the least, from their Civil Rights; and, even such Indian Natives as might become Roman Catholics, were declared to be entitled to all the privileges of Frenchmen. Besides those advantages, the Colonists were to receive, with their portion of the soil, rights of Hunting and Fishing, *from which the Peasantry of the Parent State were entirely debarred.*

1628. But before the effects of all those encouragements, intended to counteract the disadvantages of climate, could be ascertained, accidental causes interfered; and hostilities, on the part of the English, combined with the incursions of the Iroquois, to disturb the execution of the great Cardinal's gigantic plans for the conversion of the Indians, and the establishment of Colonies in New France.

The siege of the important port of *La Rochelle*, the strong hold of the French Protestants, undertaken by the King and Cardinal De Richelieu, in person, had produced hostilities between England and France; and the very first vessels which the new Company despatched for Quebec, had been captured by the English. This year, therefore, in consequence of a Commission from Charles the First, of England, to *David Kertk*, a French refugee, authorising and commanding him to conquer Canada, the latter arrived at Tadoussac with a squadron, and destroyed the Houses and Cattle about Cape Tourmente; whence he sent a summons of surrender to Champlain, then in Quebec, with his friend Pontgravé.

Relying on the ignorance of the enemy, with respect to his resources, and upon the bravery of his little garrison and inhabitants, Champlain gave such a spirited answer to the summons, as induced Kertk to give up the expectation of immediate success. But one of the numerous acts of individual indiscretion, so fatal to French Colonisation, soon deprived France of Quebec, and clouded, for a time,

those brilliant prospects which had arisen upon the establishment of the new Company. A.D.

M. De Roquemont, one of the Partners, commanding a squadron of vessels, freighted with emigrant families, and with all kinds of provisions, had arrived in Gaspé Bay, whence he despatched a small craft to convey to Champlain, a Royal Commission, continuing him as Governor, and to communicate his own arrival with extensive supplies. It has been suspected by some, that De Roquemont's departure from France, was discovered to Kertk, by William De Caen, who felt indignant at the loss of his Patent of exclusive Trade. At all events, Kertk provoked De Roquemont to an engagement; and the latter, committing to the risk of battle, the principal resources of the Colony, rashly advanced with his laden and encumbered vessels, to the unequal combat, which ended in his complete overthrow, and in the capture of his whole fleet. The short-lived joy diffused in Quebec by the arrival of the Craft, was soon changed to sorrow; and her crew being added to the little garrison, still farther reduced their scanty rations, which previously sufficed for a daily allowance of only *five ounces of bread and a handful of pease.*

a Traitor

Deprived of its principal resources, the last hope of the Colony was speedily blasted by the shipwreck of *Father Philibert Nogrot* and *Father Charles Lallemant*, both Jesuits, on the Coast of Acadia; where they had arrived on their way from France, in a small vessel, with a cargo of provisions, which their friends had generously suppli. ed. To those adverse circumstances, were added great fears of Indian hostility, and a sense of internal weakness, arising from religious jealousies among the Settlers. An expedition against the hostile Iroquois, had occurred to the mind of the gallant Champlain, as the only means of procuring subsistence for about one hundred persons under his command; but no gunpowder could be found; and he was finally reduced to lead his unfortunate companions into the woods, to feed upon roots like the beasts of the field. In this extremity, the return of the English was prayed for as a relief; and, towards the end of July, the half famished inhabitants were rejoiced to hear that *Louis* and *Thomas*, brothers of *David Kertk*, had arrived with a squadron at Point Levi. An honourable capitulation was obtained from the enemy, and a conveyance to France secured gratuitously to all who might desire to leave the Colony; and, on the 20th of July, *Louis Kertk* landed at Quebec, and took possession of the fort, assigning the stipulated military protection to the two Convents and to the Chapel of the Mission. Both the Commander and the English troops acted honourably; but some French heretical refugees, headed by *Pierre Raye*, attempted to enjoy a vulgar triumph over their Countrymen. Louis Kertk, by his friendly deportment and good management, prevailed upon almost every Frenchman, who had cleared a spot of ground, to remain in the Colony. The Priests, however, retired; and Champlain, before his departure, failed not to address his

1629.

Quebec taken by the English

2 Convents in Quebec

A. D. pious exhortations to the Settlers, impressing strongly upon their minds, that if their King should not be enabled, under Providence, to re-conquer Quebec the following year, sending back the Priests to administer the consolations of their Holy Religion, they ought to take advantage of the conditions of the capitulation, and return to Old France, *preferring to all worldly convenience and advantage, the salvation of their immortal souls.*

The Conquest of Quebec, so quickly achieved, was attended with some peculiar circumstances; and it is worthy of remark, that *David Kertk* had only left England on his successful enterprise, a few days previously to the ratification of the treaty of peace between France and England, which event prevented the despatch of intended reinforcements and supplies, sufficient to save the Colony, and that an extraordinary delay of several months took place before the French Court were made acquainted with the loss of their only possession in the new world.

1630. Before departing for England with his prisoners, David Kertk, the Admiral in Chief, visited Quebec, where he had an interview with his brother. He greatly admired the situation of the place, boasting of many great things that the English would do, *by availing themselves of advantages neglected by the French.* Intoxicated with success, and instigated by *Michel*, a heretical refugee, the Admiral, unmindful of his duty, behaved ungenerously to Champlain, and more particularly to the Jesuits, whom he was persuaded to consider as possessed of wealth; but being happily undeceived, he quickly joined with his English people, in violent reproaches against the Traitor, whose chagrin and disappointed malignity produced insanity; and, after being tormented in his lucid intervals with the stings of remorse, this unworthy Frenchman died in despair. His funeral rites, administered according to the Protestant Church, were followed with scenes of drunkenness and noisy mirth, that shocked the feelings of Champlain and his pious companions.

Fate of a Traitor

Kertk, having arrived at Plymouth, pretended the utmost surprise, on learning that peace between France and England had been re-established; but there is reason to suspect that he was informed of the fact before the reduction of Quebec, which perfidious achievement, the occasion of heavy expense to himself, was not destined to give him the expected return of private wealth, or public reputation.

This aggression, forming so extraordinary a sequel to a treaty of peace, excited the indignation of the French Court, and more particularly shocked *Cardinal de Richelieu.* But the loss of Quebec gave occasion to certain Courtiers, little scrupulous on points of honour and good faith, to depreciate Canada, in the public mind, as unworthy of an effort for its restoration. Availing themselves of past misfortunes, and of the various objections to Colonisation, then in vogue, though happily exploded in the present day, those selfish and narrow-minded individuals had almost prevailed against Champlain,

1630 and 1631

and some other enterprising characters, who anticipated important advantages from an improved pursuit of the Fur Trade and Fisheries. But here Religious motives interfered; and the King, sensible of his duty to support the cause of Religion, as well as the dignity of the French Crown, opened a negotiation with England, rendered more energetic by the equipment of six vessels of war, under the command of M. de Razilly; and his Majesty quickly obtained, not only the restoration of Quebec, but also the cession of Acadia and Isle Royale, otherwise called by the English, Nova Scotia and Cape Breton. This Treaty, which soothed the national ambition, and opened a wide field to the zeal of the Jesuits, for the propagation of the Faith on exclusive principles, was signed at St. Germain-en-Laye, on the 29th of March, 1632, and from this time till the final reduction of Canada, by Great Britain, in the year 1760, a rivalship and growing hostility, partly Commercial and partly Religious, took place between the French and English Settlers in North America, *as often evinced by mutual aggression, when profound peace existed between the respective Nations in Europe.* At this important epoch, the establishments possessed by France, on the Gulph and River St. Lawrence, consisted of the Fort of Quebec, surrounded by a few paltry houses and huts; two or three hovels on the Island of Montreal, a small number at Tadoussac and other posts, established for the convenience of the Fishery and the Fur Trade: the foundation of a post at Three Rivers, and the ruins of the old Fort of Port Royal, in Acadia. A. D.

Such, says the judicious Charlevoix, was the humble situation of New France at this late period, exhibiting a mortifying picture to human vanity of the only fruits of the discoveries of Verrazani, Cartier and Roberval, the great disbursements of the Marquis de la Roche and M. de Monts, and the ill-directed industry and efforts of many private individuals of the French Nation. The learned Jesuit, with characteristic dexterity, thus prepares the minds of his readers, to appreciate the merits of his powerful Society in the future management of Canadian affairs, both temporal and spiritual, in which they were destined to act so splendid a part. Charlevoix

The Province of New France, at this period, is perhaps more worthy of philosophic consideration, as a theatre displaying the zeal and ambition of the Jesuit Missionaries, than as a Colony established for Commercial or Military purposes. A general enthusiasm for the spreading of the Tenets of the Church of Rome, among Pagan and Savage nations, distinguished the seventeenth century; but that wonderful Ecclesiastical Association, called the Jesuits, nearly monopolised, in every part of the world, the propagation of the Romish Faith, and conciliated with it, in some degree, the political power of the temporal Sovereign. In Canada, though other Orders of Ecclesiastics began and continued Missions, they were stars of inferior magnitude to the bright luminary of the Society of Jesus; whose

A.D. influence upon the moral and political economy of Canada, has extended beyond the Conquest of the Country by Great Britain. To this Society, the bulk of the population is still taught to look back as the original promoter of instruction, and as having formed the community into that distinctive character, which marks a separate people. This celebrated Society is indeed now extinguished in Canada; but the maxims of its IMPERIUM in IMPERIO, are in no small degree practised by the remaining Priests. who can still, covertly at least, controul the British Government, in every effort to Anglify the Country, or to render its resources subservient to the interest of the Empire at large. Even, during the despotism of LEWIS THE 14TH, it was found difficult to prevent the Jesuits, under pretext of being the Stewards of the Poor, from monopolising the best lands; and Indians, as well as Frenchmen, were occasionally exposed to their extortions.* Quickly monopolising the instruction of the people, they instilled into them such ideas of concentration and local attachment, as entirely prevented that spirit of extensive settlement, which, at a contemporaneous period, began to distinguish the British Colonies; and though they permitted large numbers of young men to leave the Parishes, it was rather for Military and Commercial purposes, than for the formation of new Settlements. Indeed, according to their principles of concentration, a Territory two hundred miles in length, and twenty in breadth, embracing the St. Lawrence and the mouths of its tributaries, would for ages have remained the abode of the whole agricultural population. These restricted views of settlement, interfering with the objects of Colonisation, were among the causes of the continual contentions between the Jesuits and the Governors, who found that no enterprise could succeed, unless it accorded with the peculiar views of those Ecclesiastics, ambitious of condensing an increasing population around the spots which had been selected for the scites of Churches and Convents. The selfish principles of this Society, however, did not prevent the display of much zeal, perseverance and fortitude in the conduct of their Missionaries among the Indian tribes; of whose jealousies, caprice and mutual warfare, they were the frequent victims. But it was proved by experience, that the labours of the Jesuit Missionaries in Canada, never civilised the Savages, nor produced, for that purpose, the necessary confederation of several tribes. On the contrary, they themselves retrograded in civilization, assumed the dress and occupations of savages, and were no longer considered superior to the Pagan JONGLEURS. These results would not have taken place, if more generous sentiments and a deeper acquaintance with the means of civilising Savages had existed in this celebrated Society: had this been the case, the Missionaries would

* The Jesuits, at the Conquest, possessed in mortmain, about one million of Acres of Land; the other Clerical Communities, had an aggregate of equal extent; while the share of the Lay-Subjects was about six milllions, making the total of Lands granted by the King of France, eight millions of Acres.

have recommended the experiment of mixing a part of the French population with the native Indians, instead of employing their whole power to keep them separate, except as Military Allies of the French Government. The propensities and gay disposition of the French nation were particularly favourable to this amalgamation; and nothing less than the rooted prejudices of their rulers and spiritual conductors, could have prevented the eventual absorption of the whole Indian population among the Colonists. The English Colonists were far less suited for such an experiment; but they happily found the means of conciliating a part of their Indian neighbours, by the principles of Commerce: they always, *at least ostensibly*, proposed an exchange of equivalents. They never, like the French and Jesuits, asked possession of lands or goods for the benefit of protection, or for the promise of future salvation; but, whether really useful to the Indians, or an adequate compensation for moveable and fixed property, an exchange of worldly goods always took place, and gradually introduced the primary ideas which promote civilisation and industry. Thus alone, in fact, could the necessary stimulus be furnished to the Savage: the English Colonists only rewarded him in proportion to the fruits of his industry; the Frenchmen and Jesuits, till taught by experience, made him the usual present, whether he brought little or much; and the natural consequence was, that the most active and successful Indians carried their Furs to the English; while the idle and unsuccessful adhered to the French. In this manner, the principles of the French, and the ministrations of the Jesuits, operating upon the native Indians, produced permanent causes of jealousy and warfare. The Indian tribes, among which the Jesuit Missionaries had established their Clerical influence, could not be completely restrained from a contraband Trade with the English, who had long enjoyed the intercourse and alliance of the *Iroquois* or Five confederated Tribes, inhabiting the Coasts of Lake Ontario, the Southern Bank of the St. Lawrence, and the Coasts of Lake Champlain. Against those difficulties, the Jesuit Missionaries long struggled: they baptised the young Indians, thus admitting them into the bosom of the Church of Rome; they habituated them to the routine of ceremonies, the meaning of which, and the language of the accompanying prayers, they did not understand; while the principal object which they could ever attain, was to excite a certain spiritual pride, and to inspire those nominal converts with a bigotted hatred of the *Iroquois* and other Pagan Indians. These converts, indeed, by this progress, lost, in a great degree, the useful qualities of the Savage, without acquiring the virtues of the Christian; relaxed their wonted courage and vigilance, and trusted to the Saints for defence against their enemies; depended upon the French, in many instances, for protection and provisions; and, as will hereafter appear, became a heavy burthen, instead of proving a useful barrier to the Colony. In the course of time, some progress was made by the English, in

A. D. the conversion of the Iroquois or Five Nations to Christianity, under the forms of the Protestant Church;* but it may be safely asserted, that the hatred inspired by the Jesuits, between their savage proselytes and all others; and the practice adopted by the French Canadian Government, of treating all those Indian Tribes as enemies, who carried their commodities to Albany, or who received Protestant Missionaries, kept the Province of Canada in a state of perpetual jealousy or contest, with the English, till the Conquest, in the year 1760.

From this view of the character and lasting effects of the designs and operations of the Jesuits, we return to the brief history of the Colony which our limits permit. After the peace, Champlain was reappointed Governor, by the Company; and he brought to Quebec a number of respectable Colonists of the Romish Religion, rejecting all Protestants as being likely to interfere with the religious tranquillity of the Country, and the propagation of the Faith. In the year 1635, Rene' Rohault, son of the *Marquis de Gamache*, a Jesuit, gave a donation of six thousand crowns towards the foundation of a College for the education of young men, and for the support of Missions for the conversion of the Indians: this project succeeded; but the general joy of the Colony at the prospect of this establishment, was interrupted by the death of Champlain, the founder of the French Empire in America. Respecting the character of this extraordinary man, it is necessary to say a few words. He is to be ranked among those useful men, who only appear at intervals in history, calculated to seize every circumstance of human society for the promotion of a favourite enterprise. At the commencement of his career, Champlain was a Protestant; but no sooner did he perceive that this profession would diminish the necessary confidence of the men in power, after the death of *Henry the Fourth*, than he listened to the persuasions of the Romish Missionaries, and became a Convert:—his natural credulity evinced by the absurd stories contained in his historical Memoirs, conciliated this change with his worldly projects; and his apostacy, like that of his Master, Henry the Fourth, was not accompanied by the usual spirit of persecution which distinguishes the vulgar mass of renegades. As he advanced in years and experience, he became prudent; but his youth displayed the valour and precipitation of the soldier, rather than the foresight of a statesman; and his wanton interference in the quarrels between *the Iroquois* and the other Indians, by offensive warfare; while it produced a useless display of the resources of his genius, laid the foundation on which the religious ambition of the Jesuits, built a lasting hostility between the French and English Colonists, leading, by certain, though slow steps, to the destruction of the French Empire in America. It is indeed strange and almost unaccountable, at this day, that Champlain should not have foreseen, that his display of Eu-

1635.

a gift to the Jesuits

* Note.—In the year 1664, *the Rev. John Elliott* completed his translation of the Bible, into the Mowhawk language.

ropean arms, in offensive warfare, would immediately force *the Iroquois* to obtain European Allies on their side: he was not in the situation of the Spaniards in South America, who knew well that their native adversaries could receive no aid in arts or arms from European rivals. Champlain was, however, undeceived by events; and, before his death, he made many sacrifices to defend a continually harrassed Colony, instead of carrying the war beyond its narrow bounds. For this defence, he was eventually obliged to depend chiefly upon the interest of the Ecclesiastics; and he became so zealous in the propagation of the Faith, that, according to *Charlevoix*, he adopted the maxim that *the salvation of one soul was of more importance than the conquest of an Empire.* Among the most estimable traits of Champlain's character, was his disinterestedness, which prevented his securing for his descendants, that ample share of lands and worldly goods, which would have been primary objects with common adventurers. When, afterwards, the moderate possessions of his posterity were compared with his services, and with the acquisitions of the favourites of future Governors and Intendants, it became common, among the British Officers, to remark when they recognised some member of his family: "*that he had the glory and the misfortune of being descended from* SAMUEL DE CHAMPLAIN, *the first, the bravest, and the most disinterested French Governor of Canada.*" A. D.

On the death of Champlain, *Monsieur Montmagny*, became Governor; and without any of the heroic qualities of his predecessor, he was not deficient in zeal and integrity: the machine of Colonisation which Champlain had organised, his successor was calculated to regulate and keep in motion; but he depended more, for this purpose, upon the Company, than upon the resources of his own mind. He duly represented the wants of the Colony, and endeavoured to show the connection between its progress, and the interest, present and future, of the Association of *One Hundred Partners* before mentioned; but he found them careless of every thing except the prosecution of the Fur Trade, the nature of which, is necessarily unfavourable to persevering industry in Agriculture and in the other arts of civilised life. As a sort of compromise, however, between the interested views of a mere Mercantile Company, which had entirely neglected the obligations of Colonisation contained in its charter, the Association could not refuse to grant lands to persons duly qualified to form permanent Settlements, not less necessary for defence against *the Iroquois*, than for the purposes of cultivating the soil, and converting the friendly Indians. The first important concession on this principle, was the fertile and well situated Island of Montreal, to *Monsieur Maisonneuve,* and thirty-four associates, on the 17th of December, 1640; and which, after its importance was ascertained in France, both as a Mission and as a Commercial station, became the property of the Religious Order of *Sulpicians* of Paris, by confirmation of the King, on the 15th of February, 1644. This compromise 1640.

A. D. between the interests of the Fur Traders, Colonisation and propagation of the Faith, was quickly followed by important establishments and changes in the domestic economy of the Country, during the minority of LOUIS THE FOURTEENTH of France. The new channels of information opened to the Regency, displayed, in glaring colours, the mismanagement of the Company, and of its Servants; and the incompatibility of a complete monopoly of Trade, with the purposes of Colonisation; and gradually led to the establishment of Canada, as a Royal Government, in the year 1663. The steps, however, to this important measure, worthy of the age of *Louis the Fourteenth*, will be briefly noticed. When the establishment of a Settlement and Mission, at Montreal, had been decided, the information which justified its expediency likewise evinced the demoralising effects and other disadvantages of the monopoly of the Fur Trade; and, while the Hospital established in Montreal, by MADAME DE BOUILLON, provided for the care of its victims, it was also the means of ascertaining the grievances inflicted by the servants of the Company, not only upon the native Indians, but also upon *Frenchmen*, whose labour had been laid under contribution, for the selfish purposes of persons, whose superiors, three thousand miles distant, could not effectually controul them. The first step in favour of Colonisation, in consequence of this information, was the relinquishment of the monopoly of the Fur Trade, which, by an Arrêt of His Most Christian Majesty, was confirmed. The Company still remained Lord of the Soil; but the Trade of the Country was laid open to all its Inhabitants. *Monsieur de Montmagny*, who was favourable to those changes, was recalled by the Company, and was succeeded, in the
1647. year 1647, by *Monsieur Daillebout*. The new Governor endeavoured to connect the interests of the Company with those of Colonisation; but all his projects appear to have been neglected, owing to that want of capital and enterprise which has always formed a contrast
1648. between Frenchmen and Englishmen, in Colonial affairs. Monsieur Daillebout, failing in every effort to strengthen the Country by Colonisation, next endeavoured, in the year 1648, to form a perpetual alliance with the New England Colonies, under the condition of restraining the *Iroquois* from making war against the French and their Indian Allies; but those Colonies, though willing to remain at peace, could perceive no reciprocity of interest in the proposal, which virtually required them to make enemies of the Iroquois, or Five Confederated Tribes; whose intercourse and trade had been advantageous to them.

1650. In the year 1650, the Company resolved to separate its interest from the expense and risk of Colonisation, sent out as Governor, one of the Associates, *Monsieur de Lauzon*, who quickly perceived the inadequacy of the resources of the Company, to defend the Country against the Iroquois, and preserve the respect of the Natives, and the facilities of Trade. The majority, however, of the Company, would

not listen to his desponding Reports; and they replaced him by a man of military courage and reputation, the *Marquis d'Argenson;* but he found his instructions equally impracticable, and that nothing less than a great display of military force, would be required to protect the Colony and the friendly Indians, for the purposes of Trade. Meantime, the usual struggle between pride and poverty, took place in the minds of the Majority of the Associates. The splendid rights and titles with which they were invested, had a great effect upon the vanity of Frenchmen; and the Company made another effort to retain their power, by sending out in 1658, *the Baron d'Avangour*, with a small reinforcement of troops, which opportunely arrived to repel an invasion of the Iroquois. A. D. 1658.

But, as the propagation of the Tenets of the Church of Rome had more effect in keeping up an interest in favour of the Colony on the part of influential persons at the Court of France, it will be proper to allude to the different establishments not already mentioned, which took place with this view, from the death of Champlain, till the important appointment of a Bishop in Canada. The Jesuits had a great share in all those establishments; and, under their protection, the first Convent of Nuns was erected at Quebec, in the year 1639, by Madame de la Peltrie, who arrived with three *Ursulines*, accompanied by *Father Le Jeune*, a Jesuit. The hospital of Quebec, called the Hotel Dieu, was founded the preceding year, at *Sillery*, under the patronage of *Madame la Duchesse d'Aiguillon*. The year 1659, was distinguished by the foundation of the Sisters of the Congregation, by Marguerite Bourgeois, for the education of female children, at *Montreal*, under the patronage of *Monsieur de Maisonneuve;* and this Institution, with the Seminary of the *Sulpicians of Paris*, founded by the Abbé Quelus, in 1657, formed the principal sources of the limited education intended for the Colonists. The Clergy was chiefly proposed to consist of persons from France, who would form a confidential link of the Colonial connection; and this policy prevailed during the whole period of the dominion of France. Meantime, the Jesuits, not finding such encouragement from the Company as they expected, in gratuitous Grants of Land, obtained from the King, in the first instance, a Patent, enabling them to purchase lands, which they, however, used to a very limited extent, looking forward to the approaching period of a resumption of the rights of the Crown, and the establishment of a Royal Government, instead of that of a Commercial Company. From the nature of their Institute, this Society was gradually acquiring a complete controul in the clerical affairs and instruction of the people of Canada; and, in the year 1670, they were not afraid to recommend the appointment of a Bishop, expecting, rather, that he would be an instrument or cloak to their ambition, than a check upon it. They always, in fact, formed a clerical Aristocracy, similar to the Aristocracy of Venice, admitting only such a ruler of Lay-Clergy, as the Doge 1659.

A. D. 1662. of Venice, whose every action was secretly dictated to him, by a select Council. In the year 1662, the plan of gratuitous Missions was modified; and in the parts of the Colony which were cultivated by Frenchmen, it was proposed to provide for a Parochial Clergy, by tythes, as in France. This provision was not, however, efficiently executed, till the circumstances of the Inhabitants were more correctly ascertained under the Royal Government; when the tythe was reduced in Canada to one twenty-sixth part of the crop of Grain raised for the food of man; this moderate provision was first established by the Sovereign Council of Quebec, in the year 1667, and confirmed, after a period of trial, by a Royal Order in the year 1679.

From this anticipation on the important subject of a Colonial establishment and support of the Clergy, we return to the course of events which immediately preceded the abandonment of the territorial rights of the Company. This Association, then reduced to 45 Members, appears, by choosing the Baron d'Avangour, to have rather provoked an interference on the part of the King, than deprecated it. He was a man more calculated to cut than untie the gordian knot of difficulties; and he no sooner, by personal inspection, had ascertained the deplorable state of the Colony, than he directed the Colonists to appeal to the King, who sent out a Commissioner to enquire into the facts alledged; and his report having confirmed them, 1663. His Majesty decided upon the immediate resumption of his rights, and erecting Canada into a Royal Government.

At this critical period, the Jesuits, in their Journals, reported a physical event, which, not being confirmed by the history or tradition of the English Colonies, and their Indian Allies, is considered as a mere fabrication, calculated, like other pious frauds, to connect disorders of Government with the alarming phenomena of nature. The knowledge of the Country possessed by the Jesuits, emboldened them, as is supposed, to insert the event in their secret Journals; and they securely calculated upon peculiar formations of hills and ravines, indicating the effects of an earthquake in the Country below Quebec, as supporting their assertion of the event at the time specified in those Journals. This Legend we merely allude to, as having imposed upon some enquirers into Canadian History, who, in the midst of uninteresting events, appear to have seized upon this with avidity, in order to enchain the momentary attention of their readers:—it is stated to have taken place on the 5th of February, old style, 1663, *a day dedicated to the worship of the Holy Virgin.*

Query?

While this alleged earthquake was troubling the Territory and Inhabitants of Canada, the Company were deliberating upon the Royal Orders of Reference, by which Louis the Fourteenth directed them to consider the expediency of abandoning to the Crown, their Charter; the obligations of which, they were conscious that they had not fulfilled; and it is worthy of remark, that their real interest as mere Fur Traders, essentially prescribed hostility to French Coloni-

sation, and to every measure which could interfere with any other propensity of the native Indian, except his love of war. The mild precepts of the Christian Religion, which the Company had long expected to check this propensity, had, on the contrary, been so much distorted in practice, by the fanatical zeal with which the Jesuits inspired thir converts against all Pagan Indians; and the incursions of the Iroquois were so frequent, that the Fur Trade, on the side of Canada, was very much reduced; and the means of destruction in that Country, were turned chiefly against the human race, instead of the Fur bearing Animals. Under such circumstances and prospects, the Company, on the 24th of February, 1663, abandoned their rights to the King, who accepted the same, by a Royal Edict. A.D.

Monsieur de Mesy, appointed Governor, *Monsieur de Petrée*, Apostolical Vicar, and *Monsieur Gaudais*, King's Commissioner, arrived in Quebec, this year, accompanied by four hundred regular troops, one hundred families as Settlers, with Cattle, Horses, and Implements of Agriculture.

Monsieur de Gaudais, having administered the Oath of Allegiance to the Inhabitants, and made some temporary regulations, the Governor published his Commission and put in execution the Royal Edict for the establishment of a Sovereign Council, to consist of himself, *Monsieur de Petrée*, *Monsieur Robert*, the Intendant, and four other Counsellors, to be chosen by them. The powers conferred on this Sovereign Council, extended to the cognisance of all causes civil and criminal; to judge, in the last resort, according to the Laws and Ordinances of France, and the practice of the Parliament of Paris, reserving the general legislative power of the Crown to be applied according to circumstances. This Council was farther invested with the regulation of Commerce, the expenditure of the Public Monies, the establishment of Inferior Courts at *Three-Rivers* and *Montreal*:—indeed, the delegation of power was so extensive, as to form a new era in the Colonial Government of an absolute Monarch.

This change was partly owing to the imperious necessities of the Colony, and partly to the enlightened views of COLBERT, the great Financial Minister of *Louis the Fourteenth*, who, in a period of general peace, was animated by the example of *Great Britain*, to the improvement of the Navigation and Commerce of France, by Colonial establishments. Canada, therefore, which had languished for more than a century, as an Ecclesiastical Mission, was henceforth viewed in a temporal light also; and began to improve in Population and Agriculture. To the benefit of a regulated Civil Government, was added increased military protection against the Iroquois. The Colony was also gradually strengthened by the arrival, at intervals, of Settlers from Normandy, Picardy, the Isle of France, and other Provinces, *all Roman Catholics*, distinguished not less by simplicity of manners, than by attachment to ancient customs and peculiar

A. D. modes of Cultivation. These Settlers, directed by the Jesuits and other Ecclesiastics, gave a stable character to the population of Canada; though a military spirit was eventually added, by locating the disbanded Soldiers of the CARIGNAN and other Regiments; whose Officers became the principal Seigneurs of the Colony, on condition of making Concessions of Land under the Feudal Tenure, as it still exists, to the Soldiers and other Inhabitants. In this manner, was gradually formed and concentrated, under the powerful protection of Louis the Fourteenth, an agricultural and military people, distinguished by habits of implicit submission to their spiritual and temporal Leaders.

1664. To promote the views ascribed to *Colbert*, it was deemed expedient, in the year 1664, to remodel and extend the West India Company, adding Canada to their possessions, subordinate to the Crown of France, with powers controled by His Majesty's Governors and Intendants, in the different Colonies. The Edict, establishing this new Company, is an important historical Document, displaying the extensive views of the French Cabinet, both with respect to Colonial and Political aggrandisement, forming, likewise, one of the links of that chain of evidence, which convinces the unprejudiced reader, that the ambition of *Louis the Fourteenth*, was not confined to Europe, but embraced every quarter of the Globe. It is not foreign to our subject to allude to those views; because they will enable us to trace that ambitious course of policy in Canada, which, after exciting the jealousy of the neighbouring British Colonies, finally led, under new circumstances, to the expulsion of French dominion from North America. This Edict, which confers civil and military powers on the West India Company of France, similar to those afterwards granted by Great Britain to the East India Company of England, is distinguished from the latter, by naturalising Foreign Stockholders. But we shall translate a part of the General Enactment, and briefly allude to the details. After stating the motives, the Royal Will proceeds as follows:—" *We hereby establish a West India Company, to* " *be composed of persons already interested in the Continent of Amer-* " *ica, and others of our Subjects who may wish to become Stockhold-* " *ers, for the purpose of carrying on the Commerce of that Country,* " *from the River Amazon, to the Oronoco, likewise the Islands Antil-* " *les, possessed by Frenchmen, Canada, L'Acadie, both Continent and* " *Islands, from the North of Canada, to Virginia and Florida;* " *also the Coast of Africa, from Cape Verd, to the Cape of Good* " *Hope, so far as the said Company may be able to penetrate, whether* " *the said Countries may now appertain to us, as being, or having* " *been occupied by Frenchmen, or in so far as the said Company shall* " *establish itself by exterminating or conquering the Natives or* COLO- " *NISTS of such* EUROPEAN *Nations as are not our Allies.*"

Among the details, we find the following remarkable particulars:—

1. The Company is bound to carry out and establish a sufficient num-

ber of Priests, and to build Churches and Houses for their accommodation, and for the performance of their Holy Functions. 2. An interest in the Company should not derogate from the privileges of the nobility of the Kingdom. 3. The Stock or Shares were made transferable, and the revenue or profits of them alone, could be attached for Debts owing by the Holders, *even to the King himself.* 4. The Company was to enjoy a monopoly of the Territories and the Trade of the Colonies thus conceded, for forty years: it was not only to enjoy the exclusive Navigation, but His Majesty conferred a bounty of thirty Livres on every ton of Goods exported to France; and such imported Colonial Merchandise as had paid the Custom and other duties on consumption, could be re-exported by the Company, without any charge of export duty. 5. The Company was not only endowed as Seigneur with all the unconceded lands, but invested with the right of extinguishing the titles of Seigniories granted or sold by previous Companies, on condition of reimbursing the Grantees and Purchasers for their costs and improvements. 6. The King assumed all claims of previous Companies established in the Colonies by himself or his predecessors; and the new Company was invested with all the Seigniorial rights and dues already borne by the Inhabitants, as Seigniorial Vassals, with power *to commute or modify* them, as well as to make new Grants or Sales. 7. The Company was to have a right to all Mines and Minerals, the power of levying and recruiting Soldiers within the Kingdom, manufacturing arms and ammunition for the defence of their possessions, building forts, and even declaring and carrying on war by Sea and Land against the native Indians or neighbouring foreign Colonies, in case of insult. 8. To add to the splendour of the Company, a Coat of Arms was also granted, as stated in the language of heraldry below in a note; * but it was ordered that when those Arms should be affixed to warlike instruments and equipments, they should be surmounted by the Royal Arms of France. 9. The administration of justice was to be according to the Laws and Ordinances of the Kingdom, and the custom of Paris, and no other custom was to be introduced into the Colonies. 10. To encourage emigration, as well as to gratify the present Inhabitants, all Colonists and Converts professing the Romish Faith, were declared capable of enjoying the same rights in France and in the Colonies, as if they had been born and resident within the Kingdom. 11. Lastly, in this munificent Edict, His Majesty agrees to advance one tenth of the whole stock, without interest, for four years, subject to a proportion of all losses which might be incurred during that period, by the Company.

When this new monopoly was reduced to practice in Canada, the Inhabitants made several complaints, which were listened to by the Company; and at length their grievances were decisively redressed by

* "*Un Ecusson, en champ d'Azur, semé de fleurs de lys d'or sans nombre, deux Sauvages pour support, et une Couronne treflée.*

A. D. the compromising Royal Arrêt of the Council of State, dated the 8th of April, 1666, which granted to the Inhabitants of Canada the Trade in Furs, subject to an allowance of one fourth of all Beaver Skins, and one tenth of all Buffalo Skins, and the total reservation to the Company of the Trade of Tadoussac, situated about seventy-five miles below Quebec, at the mouth of the Saguenay River. This beneficial arangement, calculated to diminish the temptation to smuggling, which a close monopoly would have produced, could not prevent it; and we are accordingly presented in the Records of the Colony, with the usual stratagems of Smugglers to evade every regulation for the preservation of rights and collection of dues, which appear only to be a reasonable compensation for those expenses of the Administration of Justice, to which the Company was subjected, and which His Majesty's Commissioner, *Monsieur De Guadais*, had estimated at Forty Eight Thousand Nine Hundred and Fifty Livres, being the aggregate of the Salaries of the ordinary Judges, exclusive of the other Civil Officers, payable by the King.

1665. In the year 1665, Monsieur De Mezy was succeeded as Governor by Monsieur De Courcelles; and Monsieur De Talon was appointed Intendant, whose Commission besides the usual duties of Superintending Financial and Land Affairs, gave him jurisdiction in various criminal and civil matters under the Governor.

1666. In the year 1666, the Governor General, the Marquis De Tracy, who had first attended to his duties in the West India Islands, visited Canada; where he ordered the building of three forts as a part of the military defence of the Colony against the Iroquois: the first fort was constructed by *Monsieur Sorel*, at the mouth of the river *Sorel* or *Chambly*, and called by his name; the second by *Monsieur De Chambly*; and the third by *Monsieur De Sallierès*, Colonel of the Carignan Regiment, all on the same River; the last fort was named *St. Thèrese*; where the Colonel established his Head Quarters.

This year, the Marquis De Tracy made an incursion into the Country of the Iroquois, or Mohawks, usually called so by the the English on account of their chiefly frequenting the banks of the Mohawk River:—the Indians saved themselves by flight, with the exception of a few old men and women; whose slaughter was celebrated, by singing *Te Deum* in the Cathedral of Quebec, by order of the Governor General.

Before this period, the successful incursions of the Iroquois had suggested the expediency of concentrating the Settlements; and a Royal Edict, dated the 21st of March, 1663, directed that no more lands should be cleared and inhabited, except in spots contiguous to each other; this Edict, though not strictly obeyed, has given a decisive characteristic to the French Canadian Settlements, which no modern observer can account for, except on the principle of military defence; and this concentration, continued by various circumstances since the Conquest, is one of the causes which have left the North Eastern frontier of Lower Canada nearly a desert, and exposed to the Terri-

torial pretensions of the United States; for if, under the French and English Government, the Ecclesiastical and Military Superiors of the Canadians had encouraged back Settlements, we should never have heard of the present pretensions of the new State of Maine upon lands within twelve miles of Quebec: the fact of long occupancy would have been decisive, preventing not only the possible loss of Territory, but also the expenses of negotiation or warfare to obtain and preserve an adequate land communication between Lower Canada and New Brunswick. A. D.

This year, the Governor General, notwithstanding the remonstrance of *Monsieur De Talon* the Intendant, confirmed to the West India Company, within Canada, the same rights, privileges and authority which had been enjoyed by the Company of One Hundred Associates already mentioned; and being now more than seventy years of age, he returned to France. 1667.

Monsieur De Talon, a man of science and extensive views, had not been long in Canada, before he perceived the natural interest of the Company to be adverse to Colonisation; and the whole scope of his measures in the Colony, and of his correspondence with the great Minister *Colbert*, tended to hasten that resumption of the rights of the Crown, which his persevering remonstrances, combined with the complaints of the Colonists, at length obtained, at a great pecuniary sacrifice on the part of the King, in the year 1674.

With these views, the Intendant endeavoured to direct the industry of the Inhabitants to other objects than the Fur Trade; he drew the attention of *Colbert* to the means of obtaining warlike instruments and naval stores within the Colony; he pointed out the Iron Mines of *St. Maurice;* the Pine Masts and Oak for Shipbuilding, on the borders of the St. Lawrence; the capability of the soil to produce Hemp; and the worthy correspondent of a great Minister, appears to have had the most correct and extensive views, as to the resources of the Colony and the means of rendering them available, not only for the interests of the Colonists, but for the Empire at large.

This year, *Monsieur De Talon* visited France; and, by his energetic representations, obtained the transmission of instructions to the Governor, and a variety of measures calculated to favor Colonisation. An interval of peace with the Iroquois, favored the views of the Intendant, and permitted the location of part of the disbanded officers and soldiers of the regiment *Carignan*, upon lands granted under the Seigniorial or Feudal Tenure. The statement of the population given to *Colbert*, showing a great excess of males, the King used means to encourage the weaker sex to brave the dangers of a long voyage; and several hundreds of young women were induced, by temporal and spiritual motives, to go to Quebec; where, under the patronage of the Government, they speedily obtained husbands; and, under the direction of the Priests, contributed much to improve the peace aud domestic economy of the Country. This encouragement to legitimate population, was followed by a Royal Edict, dated the 12th of April, 1670, by 1670.

which his Majesty granted a pension of three hundred livres to parents
A. D. who had ten children, and of four hundred livres to those who had twelve, born in lawful wedlock, and alive and well at the period of applying for the Royal Bounty. On each marriage of a male of twenty, with a female of sixteen years of age, and under, a gratuity of twenty-five livres was ordered; and the Sovereign Council was instructed to impose penalties on all such Parents as should not join their children in marriage before they attained the ages before mentioned. These regulations, favored in their execution by a variety of circumstances, had a lasting effect upon the French population of Canada; and, at the period when we write, though it contains a moderate proportion of widows and orphans, it exhibits fewer of the anomalies of old bachelors and old maids, than any other population of European origin.

About this time, the experimental religious communities already mentioned, established in *Quebec*, *Three Rivers* and *Montreal*, for that limited education of the people, which suited the ideas of the age and views of temporal and spiritual domination, were confirmed by Royal Edicts; and large tracts of land were granted in mortmain for their support. Under such circumstances, a population was gradually moulded into a shape suited to the views of the Government of the Mother Country, by the effect of French Institutions, and fitted to play a conspicuous part, in advancing the Colonial ambition of France, which, soon after this period, explored the course of the great River Mississippi, by the enterprise of the unfortunate *Monsieur De La Salle*.

At this point of our historical summary, it may be proper to anticipate a few of the advantages which the increasing population of Canada offered to the ambitious views of *Louis the 14th*. The wonderful zeal and perseverance of the Jesuit Missionaries were more instrumental in obtaining allies to the French, than converts to the tenets of the Church of Rome; and, by their negotiations and intrigues, they frequently paralysed the hostility of the Iroquois; while the able and active Administration of Talon, promoting Industry and Commerce, led to that concentration of power in Canada, upon which basis, the Monarch founded his future encroachments on the English Colonies; and established, at last, a chain of military posts from *Quebec*, on the *St. Lawrence*, to *New Orleans*, on the *Mississippi*. Among those advantages, none are more worthy of the attention of the reader of Canadian History, than the attachment to the glory of the Mother Country, which the established Seminaries, superintended by natives of France, for the education of the higher classes, and the instruction chiefly religious of the people, tended to produce. The result of the measures of the Civil, Military and Ecclesiastical Superiors of the Colonists, combined in forming their character. From the earliest dawn of intellect, the ideas of the young Canadian were systematically connected with the greatness of his King, and the glory of France. The Religious Rites and Ceremonies, the Government, the Laws, the names of Civil, Military and Religious Institutions, Edifices, Streets and Public Roads; the Language, Literature and Amusements were calculated to re-produce in

the new Country, all those characteristics of the old, which the climate and other circumstances would permit. A.D

But, owing partly to the national ambition connected with these characteristics, the French could not long preserve Canada from the effects of the jealousy of the English Colonies, supported by the increasing naval and military forces of Great Britain, which power, after the expulsion of *James the Second*, became the lasting rival of France, in every part of the world.

Though *Louis the Fourteenth*, in the year 1671, was chiefly occupied in negotiations and intrigues, preparatory to his war against the Dutch, his Minister *Colbert*, nevertheless, appears to have paid attention to the Representations of *Monsieur Talon*, on the means of encouraging Colonisation in Canada; for a Royal Edict, dated the 4th of June, 1672, reduced the extent of concessions of land, one half, alleging, as a reason for this act of power, that an investigation had proved that the original concessions were larger than the means of cultivation possessed by the holders; and that those concessions, being conveniently settled on the banks of rivers, prevented His Majesty from adequately encouraging Emigrants from France, except by this retrenchment. This Edict may serve to readers of the present day, as a specimen of the absolute authority exercised by the King over the property of his Colonial Subjects, acting to them much in the same manner as he did, under solemn treaties with foreign powers; in his ratification of which, it was jocularly remarked, by a Dutch Merchant, that his name should have always been preceded by the salvo, "*Sauf erreurs et omissions.*" 1671.

The gradual approaches to the dissolution of the rights of the Company, were marked by yearly accessions of power to the Intendant, who was this year authorised to frame Regulations of Police, for Canada and L'Acadie, (called by the English, Nova Scotia,) which had been given up by Great Britain, to France. *Monsieur Talon* was empowered by the same Edict, to establish the ordinary Judges in the latter Colony.

Meantime, the French had profited by the peace with the Iroquois, to combine in more strict alliance, the whole of the Indians on the Canadian side of the St. Lawrence, and its parent Lakes. *Monsieur de Lusson*, made a treaty with the North Western Tribes, at the Falls of St. Mary; where a Cross, inscribed with the Arms of France, was set up in token of the possession and protection of the whole line of Territory by His Majesty.

The *Iroquois*, *Mohawks* or *Five Nations*, as they are indiscriminately called, had pretensions on both banks of the St. Lawrence, and on both coasts of the Lakes; but the French now employed all means of intrigue, to drive them from the Canadian side;—one of those means was negotiating for leave to establish Posts for alledged Commercial purposes; and *Monsieur de Courcelles* obtained permission to do so at the mouth of *Lake Ontario*, which, under the management of his Successor in the Government, *Count Frontenac* became a Fort of considerable strength, and eventually served the intended purpose of driving the *Five Nations* to the English side of the Lakes and River.

A. D. After the accession of *Count Frontenac*, who was of a violent and arbitrary disposition, *Monsieur Talon* was prevailed on to remain, partly by the express command of the King, and partly by his eager desire to extend the dominion of France, in the interior. The great River *Mississippi*, which the Indians of the *Falls of St. Mary* had vaguely described as running *neither to the East nor to the North*, was now the great object to be explored; and after a preliminary expedition, by *Marquet*, a Jesuit, and *Joliet*, a Geographer, who descended the Mississippi as far as to its confluence with the *Arcansas* River, the famous, though unfortunate *La Salle*, undertook to trace it to the Gulph of Mexico. This great enterprise, patronised by Frontenac, involved great difficulties; La Salle could not, like the Jesuit and his disguised Geographer, pass through the Indian Tribes, without exciting their jealousy; for he took with him a considerable force, in order to establish a chain of Posts on his route from the Falls of St Mary, to the Mississippi. Those establishments occupied him more than three years; and, having descended the River in the summer of 1682, so far as to ascertain its discharge into the Gulph of Mexico, he returned to Quebec in the following spring; and was encouraged by the Governor and the Intendant, to go to France, with the view of ascertaining his discovery, by sailing from the Gulph of Mexico, and then establishing a Colony on the banks of the Mississippi.

1674. But we have anticipated on the course of events, and must now return to the year 1674; when the King of France, by an Edict dated in December, resumed his rights to all the Territories conceded to the West India Company. This resumption, ascribed to the joint representations of the Intendant and the Colonists, has a greater appearance of equity, than most of the Royal Mandates of absolute Monarchs; the King assumes all the Debts of the Company and the current value of the Stock, and takes upon him that expense of the administration of justice, to which the Corporation was subjected.

1675. A Royal Edict dated the 5th of June, 1675, confirmed the establishment of the Sovereign Council, which was ordered to be composed of the Governor, *François de Laval*, lately appointed Bishop, by the Pope, or in his absence, the Grand Vicar, with seven other Counsellors. In this Council, the Governor was first, the Bishop, or his Representative, before mentioned, second, and the Intendant, third in rank: it was also the duty of the Intendant, to take the Votes, and pronounce the Decrêts of the Sovereign Council, and he had the general superintendence of the King's Courts.

Monsieur de Talon, having succeeded in destroying a Company which he considered hostile to Colonisation, retired to France; and *Monsieur de Chesnau* was appointed in his place, with increased power. He was directed to superintend and support the Inferior Judges and Officers; to see that the Sovereign Council conformed in all cases, Civil and Criminal, to the Ordinances of the Kingdom, and

the custom of Paris; to make Police Regulations, in concurrence with the Council, to be executed by the Inferior Judges, and even to make them at his discretion, in case of delay on the part of the Council. The Intendant appears, in his Civil, as well as his Financial Department, responsible to the King only; and from an investigation of the Colonial Records, it would seem that no Colonial Tribunal could punish malversation in any Officer of the Civil Department: but, by an act of power, on the personal responsibility of the Governor, he might be suspended from his functions, dismissed, or even imprisoned; but his cause was always cognisable by His Majesty only.* A.D.

The Count de Frontenac was of a violent and arbitrary disposition; and, after quarrelling with the Priests, and also with various Civil Officers, his disputes with the Intendant, who represented His Majesty in Financial matters, brought on a crisis producing the recall of both. During the Administration of *Monsieur de Frontenac*, his own arbitrary disposition extended to his Delegates, in the inferior and sectional Governments; and an Edict was issued by His Majesty, dated the 7th of May, 1679, prohibiting the imprisonment of any French Subject or Colonist, except by order of the Governor General, or by Decree of the Sovereign Council: these authorities were justly considered by his Majesty, as more amenable to his tribunals within the Kingdom, and more influenced by the salutary restriction of responsibility, than the obscure Delegates of executive power in the interior of the Colony. 1679.

In the year 1679, an attempt was made to establish the Parochial Clergy, and to fix the right of patronage in the Seigneurs; but the conditions imposed upon them, of building Churches of stone, and providing suitable accommodation for the Priest, were found too burthensome; and what is called the Parochial Clergy of Romish persuasion in Canada, is merely a number of Missionaries, removable at the discretion of the Bishop. Under these circumstances, an extraordinary anomaly arose, and still exists: namely, that there is no patronage of Churches in Canada; but that the Vassals of the Seigneurs, merely provide a place of worship, and then apply to the Bishop for a Missionary, on condition of paying to him the modified tythe of the twenty-sixth part of Wheat and other Grain.

* In the year 1676, two restrictive regulations were made by the King, which, however well intended, could never be executed: the first forbade, under heavy penalties, the sale of Brandy to the Indians; the second, prohibited all persons from leaving the Settlements, Towns or Posts, to trade or barter with the Indians in the forests. It was certainly good policy to accustom the Indians to visit the Settlements for the purpose of trading, rather than to suffer the *Coureurs des Bois*, or half Savage Pedlars, to collect the Furs in the Hunting Grounds, and follow their inclination of reselling them to the English Colonists. Both Regulations were, however, evaded: the Indians were treated with Brandy gratis; and the *Coureurs des Bois* preferred banishment, to the abandonment of a contraband trade, which yearly increased till the period of the Conquest. A Census taken this year, shows the number of French Settlers and converted Indians in their vicinity, to be only *eight thousand four hundred and fifteen souls*.

A. D. About this time, began a series of enterprises and expeditions on the part of the French Governors, which combined the extension and security of the Fur Trade, with views of territorial dominion on the whole line of the St. Lawrence, the Lakes, the River Mississippi, and its tributaries; the partial success of which, excited first the hostility of the English Colonies, and eventually led to war between the Governments of France and Great Britain, ending, after a great variety of fortune, in the Conquest of Canada, by the latter power, in the year 1760.

Before more particularly alluding to the progress of these events, we shall take the liberty of making a general remark upon the character and genius of the French and English Governments respectively; in so far as they influenced the final result of their long rivalship in North America.

An impulse, favourable to the Colonisation of New France, was first given during the vigorous Administration of the great *Cardinal de Richelieu*, which was no longer felt under the following female Regency. The energetic reign of *Louis the Fourteenth*, again supplied the necessary stimulus to improvement, which gradually declined after his death; and, notwithstanding the military habits of a growing Colonial Population, and the national interests and glory involved in the fate of Canada, it was destined to fall during the licentious reign of *Louis the Fifteenth*, when vice, irreligion, and female ascendancy had debased the Court of France.

On the other hand, while the English Colonists had been gradually extending their Settlements, they also acquired strength from the improvement of the Constitution of Great Britain, after the expulsion of *James the Second*, from the United Kingdom. At first, they were frequently driven back towards the Atlantic Coast, by the incursions of the French and their Indian Allies; but, in the reign of *King William the Third*, they co-operated with his vigorous Administration, in an invasion of Canada, renewing the war in America, whenever it existed between the rival Nations in Europe; and seeming to acquire fresh spirit at each defeat, they at length, during the brilliant Administration of the elder Pitt, contributed largely, in blood, treasure and talent, to the final expulsion of French dominion from North America.

During this long contest, each party had advantages peculiar to itself. Canada, comparatively weak in population, had the advantage of being under one head, whose sole will called forth and regulated the energies of the Colonists combined with the regular troops, and aided by the terrific warfare of their Savage Allies. The British Colonies, divided by different commands, unable to controul or conciliate local interests, and deficient in that address which attaches the Savage race of mankind, suffered repeated and humiliating defeats. It was only after they had studied the French system, and adopted its better parts; when British Commanders of regular troops

condescended to profit by the painful experience acquired by the Colonists in American warfare, and when also adversity had driven the whole of the Colonies to unite in making one great effort, that the British arms obtained decisive success in Canada. A. D.

From this digression, we return to that brief summary of events, which suits the narrow limits of this Introduction.

In the year 1682, *Count Frontenac* was recalled; and *Monsieur de la Barre* was appointed Governor, with instructions to cultivate a Commercial intercourse between Quebec and the Ports of the French West India Islands, then presided over by *the Count de Blenac*, the Governor General of all the possessions of *Louis the Fourteenth*, in the new world. 1682.

Notwithstanding the subserviency of *Charles the Second*, of England, to the King of France, the British Colonists, obeying only their Commercial propensities, were gradually attracting the Indians, from the French to the English Trading Posts; and *Dongan*, the Governor of New York, regardless of the orders of his Court, favoured this project, by cherishing the hostility of the Five Nations, against the French. This conduct induced *Monsieur. de la Barre*, and his successor, the *Marquis de Nonville*, to employ both intrigues and warfare for its counteraction; and, wherever English Traders attempted to penetrate, they were speedily checked, by the establishment of a French Fort or Military Post. With this view, Posts were gradually established at *Cataraqui*, *now* KINGSTON, *Niagara*, *Michilimackinac*, *Detroit*, *&c.*

The interference of *James the Second*, of England, in the year 1687, had controuled this rivalship; and the hostility of the Five Nations against Canada, would, for a time, have been checked, if the intrigues of the celebrated *Le Rat*, a Chief of the Huron Tribe, in alliance with the French, had not destroyed their confidence in the pacific intentions of the Governor of Canada. This ambitious Indian Chief, apparently mortified by the pretension of the French Commander, to negotiate without previous consultation with his Indian Allies, gratified his revenge by exciting the Five Nations to attack the French Settlement on the Island of Montreal, by surprise, which they did on the 26th of July, 1688, killing a thousand of the Inhabitants, and destroying Houses, Crops and Cattle. This success, and the consequent defection of the French Indians, kept the Colony in a state of disquiet for some time, till the arrival of succours from France, under the Sieur de Frontenac, who had been appointed with the intention of carrying the war into the Province of New York, but found himself reduced by the unexpected circumstances of Canada, to act on the defensive, till the year 1690; when he sent a party of French and Indians against that Province, who succeeded in surprising and massacring the greater part of the Inhabitants of Skenectaday, on the 8th of February, 1690. This terrific massacre so much alarmed the British Settlers at Albany, that 1687. 1688. 1689. 1690.

A. D. they prepared to leave the Country, dreading more extensive hostilities, on account of the war which then existed between the Governments of Great Britain and France. They were, however, encouraged to remain by the strong attachment manifested by the Indian Chiefs of the Mohawks, or Five Nations, and by the hope of reinforcements from New York. Meantime, the Indians made a powerful diversion in favour of the British Settlers, by incursions into Canada, keeping *Frontenac* on the defensive within the French Territory.

At this crisis, the necessity of a mutual understanding and coalition induced the New England Colonies to send Commissioners to New York, who met on the 1st of May, 1690, and concerted an expedition against Canada. A Mission to London, explaining their views, and soliciting naval and military co-operation in attacking Quebec, was unsuccessful, owing to the exigencies of the war in Europe; and this defect of reinforcements, caused the failure of the enterprise, which the Colonists persevered in, under every discouragement. This attack is remarkable, as resembling, *in its plan*, the last and successful campaign of the year 1759, and will induce an impartial historian to give great credit to the British Colonial Leaders, for their direction of the regular forces, to the proper points of invasion.

The attack, by land and inland Navigation, from the Southern Frontier, first failed; and the fleet sent round from Boston, with a small army, commanded by *Sir William Phipps*, having only reached Quebec on the 5th of October, *Frontenac* had sufficient time to prepare for defence. Nothing proves more the determination of the British Colonists to persevere, in the most desperate circumstances, in the policy of destroying French dominion in America, than the conduct of Governor Phipps: his army was not composed of regular troops, but of men excited to revenge injuries, inflicted by the French and their Indian Allies, upon their relatives and fellow subjects on the frontiers; and this spirit impelled him to hazards which astonished, though they did not intimidate *Frontenac*. On the 6th of October, Phipps sent a Summons to surrender Quebec, which has more the form of a Manifesto, than that which is usually employed by regular Commanders, who are generally brief in their Mandates. The Messenger found Frontenac *in the Chateau St. Louis*, surrounded by all who could give dignity to the Representative of *Louis the Fourteenth*, of France. With that vanity which distinguishes the French Nation, he had prepared to dazzle the Messenger, by a display of Courtlike splendour, and he received him in the midst of his Council, and answered the Summons verbally in the negative. The British Commander then resolved upon an attack, influenced, probably, by the spirit of his forces; but the French soon convinced him of the impossibility of success, and sufficiently cooled the courage of his men, to induce them to acquiesce in the decision of a Council of

war, to return to Boston.* This prudent retreat, however, was not effected without considerable loss in Ships and Men, from accidental causes. A.D.

Frontenac doubtless deserves credit for his vigorous preparations; but the defence of Quebec, against undisciplined forces, was improperly raised in France to an exaggerated degree of splendour. A Medal was struck on the occasion, and profusely distributed; and Frenchmen, as usual, laid the foundation of future misfortune, by despising an enemy, who only retreated with the determination of returning in sufficient strength, at a distant day, to seek indemnity for the past, and security for the future, by the utter annihilation of French dominion in America.

After Quebec had been freed from the presence of an enemy, a small fleet from France, which fear of that of the British Colonists, had kept concealed in the Saguenay River, made its appearance, with Troops and Provisions. These supplies, particularly the Provisions, were essentially necessary, owing to the destructive incursions of the Iroquois or Five Nations, which had, in a great measure, destroyed the fruits of agricultural industry.

As the Fur Trade, which always constituted the chief value of Canada to France, had about this period, assumed that regulated form which existed with little variation till the Conquest, we shall briefly describe its interior routine. It consisted of two parts: 1st, The Trade carried on at the great Annual Fairs in the Cities, particularly in Montreal; where the Indians themselves brought their Furs to market. This local Trade was open to all the Colonists, subject to a contribution of one fourth of the Beaver, and one tenth of the Buffaloe Skins, to the King, which right, His Majesty farmed out to certain Patentees, or *Farmers General.* These Farmers General, by an abuse common in French Finances, contrived to purchase most of the Furs, but more particularly the Beaver and Buffaloe, from the Merchants, blending together into one transaction, the receipt of the contribution, and the purchase of the remainder; and this worst species of Monopoly, continued till the year 1701; when the Merchants obtained a Royal Edict, for the establishment of a Company, to consist of all persons willing to become Associates, for Shares of Fifty Livres each. Holders of Twenty Shares, were entitled to deliberate in all Meetings, and might be chosen Directors of the Company. The whole of the Beaver Trade, and the claims of the Crown upon it, were granted for the consideration of an annual contribution to the Colonial Treasury, of sixty thousand Livres. With the combined views of checking the contraband trade to New York, and encouraging the exertions of the Inland Traders, a liberal minimum price *in*

* See a curious account of the proceedings of the British Provincial Sea and Land Forces before Quebec, by the second in Command, Colonel P. John Wally, contained in a note to Smith's History of Canada, vol. 1, p. 93, printed at Quebec, in the year 1815, but not published till the year 1826.

A. D. *money*, was fixed by this Edict, for Beaver Skins, distinguished into three qualities, averaging two livres thirteen sous, or about two shillings and three pence sterling, per pound. 2d. The second part of this Trade, extended to the distant Posts and Places, whence the Indians could not be expected to bring their Furs to the Montreal Fair. Licenses were granted to carry on this trade, as a royal bounty to old Officers, or to the poor gentry of the Colony, which they sold to the inland Traders. The extent of trade allowed to each License, was Merchandise to the amount of *One Thousand Crowns*, to carry which, and to convey the returns, the purchaser of the License was bound to employ two Canoes, with crews of six men in each. The Seller of the License had also the right of furnishing Merchandise suitable for this Trade, to the amount before mentioned, at an advance of 15 *per Cent.* upon the market price, making, with the annual price of the Licence, namely, *Six Hundred Crowns*, a handsome income, in those times of comparative economy. A successful adventure, under such a License, generally gave to the Merchant a profit of four hundred per cent. on the Merchandise, and six hundred Crowns to each of the Canoe-men. But an essential part of this regulated trade, should be more particularly alluded to: the Canoe-men were not only entitled to provisions and clothing, but interested in the result of the adventure, by having a legal right to divide the surplus of the returns, after the cost of License, Merchandise, and Four Hundred per cent. profit to the Merchant, had been reimbursed. Those privileges excited a spirit of enterprise among the young Colonists; and almost every father of a family looked to the inland Fur Trade as a means of regular employment to part of his children. This employment had also peculiar attractions; and the Canoe-man, though originally intending merely to obtain a little money to be employed in clearing and stocking a Farm, frequently dissipated his share of the returns, and undertook another voyage. In this manner, the avails of the Fur Trade were not so subservient to Colonisation, as the King expected; but they must have contributed something towards the improvement of the Country; and, in a political point of view, the effects of this Trade upon the Colonial population were important, in breeding up a class of men familiarised with the dangers and privations of a long inland navigation, and fitting them to co-operate with the Indian Allies of France, in harrassing the British Colonies. The brilliant accounts given by the Canoe-men, of the scenes which they had visited, combined with the military spirit diffused among the Settlers, by disbanded Soldiers, rendered the Canadian Militia ambitious to accompany the regular forces in desultory warfare; and, for many years before the Conquest, it was the common boast of a Canadian, that he had been employed in an expedition against the English on the Belle Rivière or Ohio.

Having thus alluded to the Fur Trade, in its Commercial and Political effects, and connected the latter with those causes of alarm on

the part of the British Colonies, which combined them in an unalterable determination to destroy French dominion in America, we return to the course of events. A. D

The vigorous Administration of Frontenac first accustomed the Colonists to co-operate with regular troops, in distant expeditions, against the English and their Indian Allies; and, though he was counteracted by the intrigues of the Seigneurs, and of the Parochial Clergy, interested in keeping the population concentrated, he persevered, and exhibited to the English and the Five Indian Nations, their Allies, a formidable force, always ready to take advantage of their apathy, in order to take possession of every point calculated to extend the dominion of France, cut off the British from the Fur Trade, and hem them in between the highlands of *Nova Scotia* and the *Allegany Mountains.*

In the year 1693,* Frontenac began by chastising the Iroquois, and, in the course of a few years, he weakened them by warfare, and checked their incursions so much, by his judicious location of Military Posts, that, except as auxiliaries to a British Force, they never afterwards were capable of making an impression upon Canada. 1693.

In the year 1697, before the Treaty of Peace between Great Britain and France, concluded at Ryswick the 11th of September, orders were received by Frontenac to prepare to co-operate with large reinforcements from France, in the Conquest of New York; and he made extraordinary exertions for that purpose. The news of the Treaty, and the consequent orders to cease offensive hostilities against the Provincials and the Iroquois, displeased the Governor, and rendered him entirely hostile to an unambitious course of policy, with respect to Indian trade and alliance, which was then contemplated by the aged Monarch of France. This change, as it would have afforded a chance of the protraction of French dominion in America, deserves particular notice. The granting of Licenses for trading with the far distant Indians, was forbidden; and it was intended in future, to imitate the English, in merely attracting them to the public Fairs and Markets, in the settled parts of the Colony. It was justly argued by the authors of this policy, that the Fur Trade might be divided between the French and the English Colonists, without the necessity of either party taking an active part in the wars of the native Indians, who would be left to choose the best Market for the produce of their chase. The old system, however, of identifying Indian trade with Indian alliance, was so deeply rooted 1697.

* This year, the Court, called *Justice Royale,* was established at Montreal. It was a Court Civil and Criminal, administered by a Lieutenant General, a Lieutenant Particular, a King's Attorney, &c. See His Majesty's Edict, dated the 5th of October, 1693. The rights of the Seigneurs extended to having establishments of Courts of Justice, Civil and Criminal, upon their Estates; but the expenses attending this Jurisdiction prevented its general execution, long before the Conquest introduced the Criminal Law of England, and its attribution of the powers of life and death, to the Sovereign alone, and to his Delegates.

in Canada, that the Ordinance of Louis the Fourteenth, for the sup-
A. D. pression of Licenses, remained a dead letter; and the trade continued, as before, to be carried on under the patronage of Military men, who found their account, in presenting to the English, on every point of the frontier, impediments to the natural course of Indian Trade, necessitating, on their side, a constant preparation for defence against the predatory incursions of the Savages. This state of affairs, making the existence of French dominion in Canada a continual object of alarm and terror to the English Colonists, in the course of time, combined them for its destruction; which they attempted on every occasion, when war existed in Europe, between the Governments of Great Britain and France.

While *Monsieur de Frontenac*, and the Jesuits were continuing their intrigues among the Indian Tribes, in order to detach them from English intercourse, he died at Quebec, on the 28th of November, 1698, in the 78th year of his age, and was succeeded by the
1699. *Chevalier de Callières*, who was successful in making peace with the Five Nations, as a power independent of Great Britain.

This peace, however, did not last; and the rising hopes of the Jesuits to convert the Five Nations to the rites of the Romish Church, were soon prostrated; and the English speedily recovered that influence over them, which was so necessary for the preservation of their frontier Settlements against the restless ambition of the French Officers, on the line of Military Posts.

1702. The renewal of war between Great Britain and France, in May, 1702, was no sooner known in Canada, than *Monsieur de Callières*, aware of the jealousy excited in the English Colonists, by his intrigues with their Indian Allies, represented to the Court of France, the necessity of reinforcements; and he made the best preparations in his power for the defence of the Colony. While employed in those measures, he died on the 26th of May, 1703, and was succeeded by the *Marquis de Vaudreuil.*

Neutrality in America seemed at first the desire of the French Court; but this avowed attempt to preserve peace in America, was accompanied with secret intrigues to weaken the influence of the English over their Indian Allies, which, when discovered, led to the most rancorous hostilities on both sides. The intolerance of the French King, *in his old age*, and his cruel persecution of his Protestant Subjects in France, likewise tended, at this peculiar crisis, to favour the solicitations of the English Colonists for a powerful co-operation with them, in the reduction of Canada. A circumstance which showed the religious feelings of England towards France, preceded the approaching display of force in America. The Bishop of Quebec, returning from a visit to France, in the year 1704, was taken by the English on board of the *La Seine*, a French Frigate; and he was kept prisoner in England, with the hope of obtaining in exchange for his freedom, the release of many French Protestants, then confined by their King as Galley Slaves. The negotiation, through

a neutral power for this purpose, was unsuccessful; and the indignation of the English people at this result, was extremely favourable to the views of the Colonies of New England. A. D.

Before hostilities commenced, some improvements in the administration of Justice, and in the Commerce of Canada, were attempted, under the patronage of *Monsieur Raudot*, appointed Intendant, with increased powers, on the 1st of January, 1705. The number of Frenchmen and their descendants, now in the Colony, had increased to fifteen thousand; and he found them influenced by such a spirit of litigation, as disturbed the industry of Canada, in peace nearly as much as the incursions of the Iroquois did in war. To allay this spirit, a system of more summary and arbitrary proceedings in lawsuits, was introduced, which, along with its benefits, brought the evil of interference with the due course of law by an Executive Officer, destroying all certainty and satisfaction in the enjoyment of Civil Rights. The Custom of Paris, the Laws and Ordinances of France, and the mode of procedure in the Parliament of Paris, introduced into Canada, had given the semblance of a Government of law for nearly a century; but, in practice, under the increasing power of the Intendants, they were virtually set aside, whenever a plea of expediency or state necessity could be invented; and the will of the King, expressed through the medium of the Intendant, particularly during war, superseded every law, for the protection of private interests, which could interfere with contributions of labour or money, to His Majesty's service. The accumulation of the fruits of Colonial industry, during peace, was therefore chiefly encouraged, with the view of having a fund on which to levy arbitrary contributions during war. 1705

In the year 1706, the Government directed the attention of the increasing population, to the Fisheries, and to other means of supplying the French West India Islands; but these undertakings appear to have been premature, and farther obstructed by the periodical close of the navigation of the St. Lawrence, owing to the rigour of the climate;—disadvantages which, even under the Free Government of England after the Conquest, long repressed the Commercial industry and enterprise of Canada. 1706.

In the year 1708, the Romish Clergy were foiled in an attempt to increase the tythe from one twenty-sixth, to one thirteenth part of Grain, the latter being the allowance in France, which the King wisely deemed too burthensome for a Colony, whose resources he might have occasion to appropriate for warlike purposes. 1708.

The hostile designs of the English Colonies being ascertained, the Governor of Canada resolved to anticipate them, by carrying the war into their frontier Settlements, after negotiating for the neutrality of the Iroquois or Five Nations, who were flattered with the designation of a power equally independent of the English or the French. These measures and intrigues were, however, counteracted

A.D. 1709. by the English Colonists; and the *Marquis de Vaudreuil* having merely incensed them, by the destruction of the Village of Haverhill, and the masacre of some of its Inhabitants, was reduced to remain on the defensive. For, in the year 1709, he was informed that extensive preparations were intended, by the Government of England, for the reduction of Canada, by attacking Quebec from Sea, through the St. Lawrence, and by land, on the New England frontier. Such was the zeal of the New Englanders, that they had decided on their march, by Lake Champlain, to the attack of Montreal, when their progress, this year, was interrupted by the intelligence that the naval and military forces intended to co-operate in Canada, had been required for the assistance of Portugal.

This gave time to *the Marquis de Vaudreuil*, to prepare for defence; and, as another year was spent by England in reducing Acadia, now *Nova Scotia*, supplies of men and money from France, were superadded.*

1711. In the year 1711, instead of sufficiently combining operations, on the side of Lake Champlain, against Montreal, with an attack of Quebec, by Sea, the principal force was imprudently directed against Quebec, subjecting the fate of the expedition to the chances of an intricate, and almost unknown navigation. The naval and military forces, which left Boston in the beginning of July, were perfectly adequate; and proper means had been employed to recommend the interest of the invaders to the Canadians;† but the Fleet was so much damaged by tempestuous weather, and accidents arising from ignorance of the Coast, that the expedition was abandoned; and the restoration of peace between Great Britain and France, by the definitive Treaty of Utrecht, in 1713, left the French in possession of Canada, and of extensive means of annoyance to the peace and commerce of the New England Colonies.

Meantime, a new stimulus to the extension and concatenation of French Settlements in North America, arose from the establishment of a French Colony on the Mississippi, which, under the patronage of the Government of France, and, by the successive efforts of *Mon-*

* These delays, so favourable to the protraction of French dominion, were accompanied by a formidable domestic affliction: in the year 1710, a contagious fever raged in Quebec, which cut off a large proportion of the Garrison and its Inhabitants:—it was called the Purple Fever; and may be conjectured to have been introduced by the Troops from France, landed at Quebec, after a long voyage, calculated to produce a contagious fever.

† A long Manifesto, translated into French, was issued by Admiral Walker and General Hill, asserting the pretensions of Great Britain to the whole of North America, in virtue of original discovery; describing the possession of Canada, by France, as an usurpation: it contained a variety of complaints against the Canadian Government, and, among others, its barbarous practice of rewarding its Indian Allies for killing Her Majesty's Subjects, by giving forty Livres for every human scalp delivered to the Canadian War Department. The usual promises of an invader to the invaded, were liberally made, similar, in many respects, to the terms of the capitulation, in the year 1760.

sieur Iberville, a native of Canada, and *Monsieur Crozat*, a rich Merchant, had acquired some celebrity, in the year 1714. Its trade in Furs was considerably extended by a new Company, established this year, under the name of the West India Company; the average amount of whose exports, in Furs, exceeded one hundred thousand pounds sterling. A. D.

During the peace, the Governor of Canada, *the Marquis de Vaudreuil*, made great exertions to increase the population and strengthen the Colony, by soliciting encouragement to Emigration, from France; he also recommended, that one hundred and fifty of the French Criminals, condemned to the slavery of the Gallies, should be annually selected and transported to Canada. In his communications with the French Ministry, on those matters, the Marquis reckons the Militia of Canada, as amounting to four thousand four hundred and eighty, giving reason to infer that the whole population of French descent, was then about twenty-five thousand souls.

In the year 1717, began the improved regulation of Notaries, followed up by farther royal declarations, in 1724 and 1733; by which those Officers, and all their proceedings, were placed under the superintendance of the King's Attorney General. Those regulations, so long called for by the complaints of the Colonists against the Notaries, who had frequently been employed by designing men to defraud and oppress the peasantry, have been rendered less efficient since the Conquest, which substituted the English, instead of the French Criminal Law, and restricted the power of interference on the part of the Executive. 1717.

The year 1718, is chiefly remarkable, by the discovery, in the forests of Canada, of the plant *Ginseng*, by the Jesuit *Lafitau*. At intervals, Ginseng has formed a valuable article of export from Canada; but, being only consumed by the Chinese, their distant market has not afforded that constant encouragement, which is requisite to make its collection and preparation profitable to the Colonists. 1718.

In the year 1720, improvements of the fortifications of Quebec and Montreal, were commenced, under the superintendance of *Monsieur Gaspard Chaussegros de Léry;* and to defray the expense of those works, as well as of Barracks for the Troops, an Assessment or direct Tax, was imposed upon the Inhabitants of those Cities, and continued during the French dominion.* 1720.

In the year 1722, a definitive regulation of the distribution and limits of Parishes, took place: the draft prepared in Canada, by the 1722

* In the year 1720, the number of Inhabitants of Quebec, was reckoned seven thousand; that of Montreal, three thousand:—the superiority of Montreal to Quebec, with respect to population, in the present century, arises from a combination of physical and political circumstances, worthy of the attention of our readers: they are to be looked for in advantages of soil, climate and situation, which under the Free and Commercial Institutions of Great Britain, gradually superseding those of Old France, will eventually render Montreal one of the greatest Commercial Emporiums of the American Continent.

Population of Quebec & Montreal in 1720

Governor, the Intendant and the Bishop, was adopted, and, in due
A. D. form promulgated as an Ordinance, by *the Duke of Orleans*, then Regent of France.

1723. In the year 1723, the Commerce of the Colony was found to have made considerable progress, during ten years of foreign and internal tranquillity. Nineteen vessels cleared from Quebec, loaded with *Peltries, Lumber, Staves, Tar, Tobacco, Flour, Pease, Pork, &c;* six Merchant Ships, and two Ships of War, were also built this year; it is also remarkable, by the Edict establishing the dower or entrance money of Nuns, into the Convents of Canada, at *five thousand Livres*, reduced afterwards, by the Edict of 1732, to the existing rate of *three thousand Livres*, or about one hundred and twelve pounds sterling.*

1725. The long and successful Administration of the *Marquis de Vaudreuil*, ended by his death, on the 10th of October, 1725: a knowledge of his character, and confidence in his good intentions, combined with his general success in his undertakings, had made the Colonists extremely attached to his Administration; and they not only exhibited the greatest sorrow for his death, as a public loss, but they extended their confidence to his descendants.

The death of *the Marquis de Vaudreuil*, was followed by the departure of the able Intendant, *Monsieur Bigon*, to France, who was replaced by *Monsieur du Puy*.

1726. In the year 1726, *the Marquis de Beauharnois*, a natural son of *Louis the Fourteenth*, succeeded to the Government of Canada; and his Administration contributed much to increase the military power within the Colony, and to excite the jealousy and alarm of the British Colonies of New York and New England. The Colonial policy of France was, at this time, more particularly directed to the increase of Territory, and to the monopoly of the Fur Trade, making both mutually subservient to the most ambitious designs against the English, whom it was proposed to encircle, as with a belt, between the Allegany Mountains and the Atlantic Coast, depriving them of the Navigation of the Lakes, and bridling their advancing Commerce, by building forts along the heights of lands, and at the heads of rivers. This ambitious course was much facilitated, by the intrigues of the Jesuits among the Indian Tribes, confederated under the name of the Five Nations. The curious reader may here be referred to the Maps published about the year 1754; where he will be astonished to find that the French line of encroachment *from Gaspé*

* In order to complete this dower, a subscription for a voluntary contribution sometimes takes place, which is well calculated to excite the young men to enquire into the character of the fair Novice, and to induce some one to solicit her to return to the road of nature, and to prefer matrimony, as more patriotic than religious celibacy, in a Colony, where the divine recommendation to increase and multiply, is facilitated in execution, by the extent of unoccupied lands: the History of Lower Canada, might comprise many pleasing anecdotes on the impediments to taking the Veil.

to the Mississippi, comprehended about one third of the Territory, now occupied by more than three millions of the Citizens of the United States of North America. Every advance into the Interior, which the increasing population and commercial enterprise of the British Colonies made, was met by the erection of new forts, and by the display of military force, on the part of the Canadian Government. This year, *Burnett*, Governor of New York, in consequence of the urgent representations of the British Fur Traders, who stated that the Canadians prevented the Indians from bringing the produce of their chace to the best market, erected a trading house, protected by a fort, at the mouth of the River Oswego, which falls into Lake Ontario. Beauharnois, jealous of this measure, immediately began to rebuild and strengthen Fort Niagara; and, finding the English Governor resolved to support the new establishment at Oswego, he made urgent representations to the Court of France, on the subject of taking military possession of such a line, as alone could prevent the English Fur Traders from enjoying the greater share of this trade. His despatches were accompanied with a Map of the debateable ground, carried to France, by Engineers capable of explaining the advantages of particular scites for forts and military posts, on the proposed line. Those representations were successful; and, besides minor establishments, an important and well situated fort was, in the year 1731, erected on Lake Champlain, near the Hudson and Connecticut Rivers. The spot chosen for this fort, was afterwards called *Crown Point*, and has become famous, in military history, from the sanguinary contests which its possession excited.

A.D

Niagara

1731.

In the year 1733, the Nuns of the General Hospital of Quebec, were restricted by the King, from visiting persons of the Laity, however nearly related to them; and they were strictly confined within the walls of their conventual house and garden.

1733.

During the long peace between Great Britain and France, many other regulations were made, affecting the domestic economy of the Colony, which our limits prevent us from mentioning; but the Royal Edict of the year 1743, checking effectually the propensity of the Jesuits, and other Ecclesiastics, to acquire lands, should not be passed over. All the previous precautions and formalities of obtaining written permissions from Governors and Intendants, had been frustrated by the intrigues of the Jesuits; and it was deemed necessary to apply the remedy of an absolute prohibition of all acquisitions in mortmain, as the only means of preventing the Clergy from monopolising the superiority or possession of the greater proportion of the cultivated lands in the Colony.

In the year 1744, an important change was made in the Law of Canada; by which only such of the laws of France as should be enregistered in the Books of the Superior Council, by His Majesty's special direction, should have force in the Colony. Owing to this circumstance, the French Code Marchand or Law of Commerce,

A. D. and many regulations connected with the Trade of France, in its advancement, during the reign of Louis the Fifteenth, were not found in Canada at the Conquest. This deficiency of Commercial Law has never been repaired; though the Government of Great Britain was repeatedly solicited to do so, more particularly by the Subjects of British and French descent, who joined in petitioning for a Provincial House of Assembly, in the year 1784. In this same year 1744, the Bishop of Quebec, *Monsieur De Pont Briand*, by order of the French King, suppressed many of the Holidays, as being prejudicial to the Sobriety and Industry of the Colonists.

1745. In the year 1745, instead of introducing the law of primogeniture, which is the most direct means of preventing an endless subdivision of lands, and its consequence of keeping the Colonists confined and thickly settled, endeavoured vainly to counteract this old custom of subdivision, particularly affecting the peasantry, by a very arbitrary measure, which could not long be executed, His Majesty directed that, except within the precincts of the towns, no buildings should be erected but on tracts or farms containing one acre and a half in front, by forty acres in depth, under a penalty of fifty livres. The partial enforcement of this imprudent law, instead of having the desired effect of stimulating the Colonists to make new clearances, induced several kindred families to live in the same house, exposed to many disagreements and family quarrels; from which the most restless individuals escaped, by becoming day-labourers, canoe-men and soldiers. This unforeseen result of the new law, however destructive to the interests of Agriculture and Colonisation, was winked at by the military Governors and Fur Traders, as producing that proportion of vice and misery, which, in fully peopled countries, renders labour cheap. No Colony indeed has ever evinced such a mismanagement of the energies of a growing population as Canada; and the effects of this early mismanagement are still visible, under the British Government, which, by its own Acts of Parliament, has fortified the prejudices of the French Canadians in favor of concentration, instead of encouraging them to spread out, amalgamated with the Subjects of British descent, into new Settlements. A different course of policy would have made it an object of ambition, in the French Canadians, to mix, in the clearance of the forest, with enterprising British Emigrants; and Lower Canada, at the present day, would exhibit the natural appearance which suits a Country nearly as large as Russia in Europe; and, instead of nearly half a million of souls being located on five millions of acres, we should see them spread out upon four times that number. This consequence of the preposterous policy of the British as well as of the French Government is evinced by the contrast between Lower Canada and Upper Canada, and even between the neglected Settlements of the Townships, inhabited by the Subjects of British descent and the rest of Lower Canada; where, without the arbitrary Edict of 1744, there are on the average no buildings

on any tract of land, except in the precincts of towns and villages, containing less than sixty French acres. A. D.

From this digression, we return to the course of events:—in the year 1745, the war between Great Britain and France, had produced the splendid success of the latter power at *Fontenoy*, which victory was, by order of the King, solemnised in Canada by singing *Te Deum*, in the Cathedral of Quebec. This excitement of warlike spirit, prepared the Colonists for the movement required to check the progress of the English in America, who this year, conquered Cape Breton, with a British naval and military force, combined with the Provincial troops of the New England Colonies.

In the years 1746 and 1747, the French were prevented by accidental causes from making any impression upon Nova Scotia, and nothing material happened till the negotiation for a line of demarcation between the British and French territories in America took place, in consequence of a clause of the Treaty of peace of Aix-La-Chapelle, in the year 1748. 1746.

The plan of the French, already alluded to, was to keep the English within their actual Settlements. *The Count De Gallissonnière*, who had succeeded *Monsieur De Beauharnois* in the Government, had transmitted to France an able statement of the national advantages which might be derived from Canada, urging the expediency of strengthening the Colony, by sending out at the expense of Government, Ten Thousand Settlers, with the celebrated Engineer *Du Quesne*, to mark out and settle the proposed line of demarcation, intended to restrict the English within the Allegany Mountains, and to prevent their approach to the Lakes, the St. Lawrence, the Mississippi or their tributary streams. His zeal was praised by his effeminate and licentious Monarch; but his recommendations, so necessary for preserving the French power in America, were neglected. Left to his own resources, he employed *Monsieur Bienville* to run the desired line, and to sink, at proper distances, leaden plates, bearing the Royal Arms of France. This proceeding was accompanied with a display of military power, calculated to impress the Indians and Fur Traders with the idea, that an exclusive right would be enforced by France to the vast territory which the Engineer had surveyed, exciting in their minds unprecedented jealousy and alarm, and tending to produce that formidable union between the British Colonists and the Indians of the Five Nations, which at length co-operated with the measures of the British Government, in driving French dominion from North America. 1747.

But Galisonnière was not satisfied with merely assuming a line of demarcation on the limits already mentioned: he at the same time employed the intrigues of *Le Loutre* and other Priests, who succeeded in seducing many of the French inhabitants to quit L'Acadie, now *Nova Scotia*, and resort to a military Post established beyond its limits. His first success in this intrigue was so agreeable to the Court of

A. D. France, that his project of establishing a new Colony, to be composed of Acadians and Canadians, received the Royal sanction with an appropriation of Eight Hundred Thousand Livres per annum. While busily engaged in this plan, which he was certainly the best fitted to execute, he was superseded in his Government by *Monsieur De Jonquières*, who showed such reluctance to proceed. that he was only stimulated to action by fresh instructions from the King, in the year 1749.

1749. After some discussions between *the Chevalier De La Corne*, the military commander, and *Father Le Loutre*, the scite of a fort was chosen, between *the Bay of Fundy* and *La Baye Verte;* and, as a subsidiary measure, a post was established near the mouth of the river *St. John;* where a detachment of troops was stationed under the command of *Monsieur De Boisheberd*, counselled by *Father St. Germain*, a Jesuit of great influence among the Acadians and Indians.

Those posts, established under the pretext of merely supporting the French Commissioner in his line of demarcation, excited the jealousy of *Cornwallis*, the Governor of Nova Scotia, who well knew that the Indians would flock to that spot, where a display of military force should be made, and had already seen the alacrity of the Acadians to quit their allegiance : he resolved therefore to make every opposition in his limited power; and he very soon convinced the French that the scope of their plan of encroachment was perfectly known to him, and that he was ready even to take the high responsibility of offensive hostilities to counteract it. A French vessel, with supplies for the post at the mouth of the St. John river, was captured by his orders; and a fort was erected opposite to that of the French, near the Bay of Fundy; where *Major Lawrence*, on the one side of the river *Beaubassin*, and the Chevalier De La Corne on the other, continued long to strengthen their respective Posts, without mutual hostilities.

This year is remarkable for one of those Jobs which disgraced the Colonial Government, during the decline of French dominion in Canada. After a series of preliminary enquiries, an association, consisting of the Governor, the Intendant and other officers of the Colony, despatched an expedition, at the expense of the Crown, with the *avowed* purpose of exploring a route to the Pacific Ocean, through the Lakes, the Mississippi and the Missouri rivers, as well as by a land route, beyond Lake Superior. This Royal Expedition, which, conducted with zeal, loyalty and perseverance, might have anticipated the discoveries of *Sir Alexander McKenzie*, a British Fur Trader, ended only in obtaining the *real* objects of its Colonial Projectors, namely rich returns of Furs; of which the Governor's share was worth about Twelve Thousand Pounds Sterling. As the Intendant, and others interested, had a due share in the returns, the failure of the expedition in its public purposes, was accounted for, in despatches to the French Court, by asserting that insuperable difficulties existed in their prosecution; and "*the Queen's Post*," established by *Monsieur De la Verandrie*, was the *ne plus ultra* of the French progress towards the Rocky Mountains and the Pacific Ocean.

In the year 1750, *Chaussegros De Léry*, the son of the Engineer before mentioned, superintended the erection of the fort at Beauséjour, round which, Father Leloutre collected the infatuated *Acadians*, whom he subjected to every labour and privation which religious fanaticism alone can endure. A. D. 1750.

This year, the pretensions of the French, as to the line of demarcation, towards the Ohio, and other tributaries of the Mississippi, were enforced; and three individuals, who had licenses from the Governors of the English Colonies, to trade with the Indians on the Ohio, were seized with their Merchandise, and brought prisoners to Montreal: they were, however, liberated as a matter of expediency; after they had been strictly examined respecting the Commercial and Territorial views of the Colonial Authorities of New England and New York.

Meantime, though the boundary Commissioners had met with all the appearances of amicable negotiation, the Governor of Canada, foreseeing war as the inevitable result of the pretensions of Great Britain and France in America, took early precautions. He renewed his intrigues with the *Iroquois* or *Five Nations*, which, supported as they were by *Picquet*, one of the Priests of St. Sulpice, would have succeeded, if they had not been counteracted by the wonderful influence acquired over that Confederation, by *Sir William Johnson*; whose warlike undertakings and adventures, among the Indians, are fit subjects for history and romance. The French, however, were suffered by those Indians, to erect the fort *La Presentation*, near their borders, and thus, to add another proof of their perfect knowledge, arising from long study, of the proper points from which the English Colonies, and their Indian Allies, could be assailed, on the side of Canada.

The approach of destruction to French dominion in America was, however, signalised, not less by measures calculated to alarm and unite the English Colonies, than by corruption in the French Officers which weakened the energies of Canada. The inadequate salaries of the Civil and Military Officers ofthis Colony, had long tempted them to combine in peculation and commercial adventures. These practices were, however, aggravated, when the licentious state of the Court of France, produced the appointment of analogous characters to the Government of the Colony. This year, *Monsieur Bigot*, the Intendant of Canada, exhibited much of the license and prodigality of the Court of France, and resorted to the most profligate means for the support of his expenses; the greater part of which were incurred to support the extravagance of a Mistress, whom he had seduced, or rather purchased, by protection and presents, from her husband. In this affair, indeed, the conduct of *Louis the Fifteenth*, was exactly followed: the Lady was endowed with a rich establishment; and her complaisant husband was first made Town-Major of

A. D. Quebec, and afterwards, by the continued interest and urgent solicitation of the paramour, created *Chevalier de la Croix.* *

In this manner, corrupt monopolies had interfered with the interest of the Company, established for the general benefit in the prosecution of the Fur Trade; and an alarming division between the interests of the *rulers* and the *ruled*, had been already accomplished, before offensive operations against Canada took place, in the year 1755.

But we return to the course of events, by stating that in the midst of his plans of avarice and ambition, *Monsieur de Jonquières* died at
1752 Quebec, on the 17th of May, 1752,† regretted by no class of the community, whom he had always endeavoured to render subservient to the interests of himself and a few sharers, in the public spoil. Till the arrival of a new Governor, the Administration of the Colony devolved upon *Charles Le Moine, Baron de Longueuil,* Governor of Montreal.

The reiterated complaints of the Clergy, and other influential persons in the Colony, which no intrigues could stifle, had induced *Monsieur de la Jonquière*, a few months before his death, to tender his resignation, having amassed a large fortune, which he desired to enjoy in France; and His Majesty, having decided on his recall, appointed *the Marquis du Quesne de Menneville* Governor of Canada, Louisiana, Cape Breton, St. Johns, and their Dependencies. He arrived at Quebec in the month of August; and showed, by his active preparations for hostilities, that he foresaw an approaching crisis, which his disposition and character were calculated to hasten.

Besides organising, and periodically training the Militia, for internal defence, the new Governor sent detachments of Regulars, Militia and Indians, to the Ohio; where he ordered the immediate construction of fort *Du Quesne*, and other posts, with the view of keeping the English within the Apalachian or Allegany Mountains.

The English, on their part, still professing to act on the defensive, built a fort, in the vicinity of *Du Quesne*, which they quaintly called NECESSITY, destined to have a garrison of Colonial Troops from Virginia, commanded by the afterwards celebrated GEORGE WASHINGTON, then holding the Commission of Lieutenant Colonel. During Colonel Washington's march towards fort Necessity, he met a reconnoitring party from fort Du Quesne, under *Monsieur de Jumonville*, who, in a haughty manner, having warned the English against proceeding farther, caused a general burst of indignation throughout

* This title, to the great annoyance of the true *Chevalier de la Corne*, was, by some wags, similarly designated; and the husband of the Intendant's Mistress, was familiarly called "*Le nouveau Chevalier de la Corne.*"

† This year, two cargoes of Canadian Wheat were shipped from Quebec to Marseilles, and gave satisfaction in that extensive market. A seventy-four Gun Ship was also built for the Government; but, owing to some mismanagement, she broke her back in launching, near Cape Diamond.

the Colonial Troops; some of whom, disregarding all controul, immediately took aim at Jumonville, killing himself and several of his party. This accident was sufficient to lead the French Commandant, *Monsieur de Contrecœur*, to offensive hostilities; and he quickly invested Fort Necessity, and obliged Washington to capitulate. While this new check was contributing to alarm and rouse the English, uniting them as one man, against the French, the conduct of the Intendant, and other Canadian Officers, was calculated to destroy the resources of the Government, and to alienate the affections of the people, reducing the King, for the defence of Canada, to a dependence upon that love of glory, which still animated some Military Commanders, and to the influence of the Bishop and other Ecclesiastics, over a superstitious Community. A. D.

The Intendant, by degrees, had combined in his interested views, the degenerated Company of Canada, whose establishment we have already mentioned. The details of his conduct, in connection with this Association, as afterwards proved before the Tribunals of France, are too tedious and disgusting; but we may be permitted to glance at them, for the information of our readers. This connection is properly characterised as an extensive conspiracy to defraud the French Government, in the expenditure of public monies, for every department; and it contributed much to hasten a state of war, *as best calculated to favour and conceal its nefarious purposes.* The principal feature of the plan was, that the French Government and the Colonists should be obliged to purchase the principal part of the necessary supplies from the creatures of the Intendant, and from the Company. For instance, the Intendant, while he purposely ordered from France inadequate supplies for the troops, directed the Company to import the deficiency, which he afterwards, on the plea of necessity of state, purchased from that Association, *at an enormous advance.* On the other hand, under the same pretext of state necessity, he purchased, or rather seized, at a low price, all the grain of the Colony, and afterwards resold it to the Colonists, more particularly to the Inhabitants of Quebec, Montreal and Three-Rivers, at a profit of four hundred per cent. By means of his underlings, he also contrived to embezzle great part of His Majesty's Merchandise, intended as presents to the Indians; and, *at his Stores, popularly designated* LES FRIPONNES, *or the* FRAUDULENT, *all persons purchased what was intended by the munificent Monarch, to be distributed to his Troops, and to his Indian Allies.*

To cloak and support this conspiracy, various intrigues were carried on at the profligate Court of France; and *Bigot* himself, having first placed his creatures in the management of the Colonial Departments, visited France in order to secure co-operation, by bribery and corruption, which circumstances enabled him to accomplish, in such an ingenious manner, that nothing but the necessary investigations which always follow an unsuccessful war, could have caused his ruin.

A.D. We have particularly alluded to this conspiracy, because the English writers on the Conquest of Canada, have been more solicitous to ascribe it entirely to the force and valour of the Invaders, than to state any causes of internal weakness and disunion.

After the reduction of Fort Necessity, the British Government prepared for open war with France, which the state of Europe, and the ambition of FREDERICK OF PRUSSIA soon rendered general. France despatched a strong Fleet, with Troops and warlike Stores, to Quebec; and England sent out a Fleet in pursuit, which only succeeded in capturing two Frigates, with the Engineers and Troops on board, on the banks of Newfoundland.

Meantime, the only offensive operations, by land, which the exigencies of Europe would permit, on the part of England, were an expedition of British Regulars, and Colonial Militia, under *General Braddock*, in the year 1755; the object of which appears to have been confined to giving a decisive check to the encroachments of the Canadian Government on the Ohio.

1755. This year, the *Marquis du Quesne* having resigned, was succeeded, in July, by *the Marquis de Vaudreuil de Cavagnal*, the last Governor of Canada, under the French dominion; and the first great event, during his Administration, was the defeat of *General Braddock*, on the 9th of July, in one of the defiles of the Apalachian, or Allegany Mountains, owing, in a great measure, to his disregard of all the precautions against surprise and consequent confusion, which are requisite in the woods, defiles, and morasses of North America. In this conflict, Braddock was mortally wounded; and much credit is given to Colonel Washington, for bringing off the remains of the British army, which afterwards joined about six thousand Provincial Troops, under the command of *Governor Shirley and General Johnson*. The latter, with the view of attacking *Crown Point*, joined *General Lyman*, near *Lake George*; where, strongly posted, he was, on the 8th of September, attacked by three thousand Men, Regulars, Marines and Militia, commanded by *Baron Deiskau*; when, after a warm contest of four hours, the French were forced to retreat to Crown Point, with the loss of a thousand men. Baron Deiskau, severely wounded, was also taken prisoner on this occasion; and the success obtained restored the spirit of the British army, while the conduct of the Provincials, acquired the respect and confidence of the Regular Troops, with whom they had been brigaded. Much credit was also given to General Johnson; whom His Britannic Majesty rewarded with the dignity of *Baronet*, and a present of five thousand pounds sterling.

This success was however not followed up, owing chiefly to the inefficiency of a diversion in favour of Johnson's enterprise against Crown Point, intended by Governor Shirley, who merely reinforced the Garrison of Oswego; and he closed the campaign by retiring to Albany, in October, 1755.

In the year 1756, while *the Marquis de Vaudreuil* was occupied in negotiating with the Indians, and while *Bigot*, the Intendant, and his creatures, were destroying the internal resources of the Colony, by the nefarious practices already mentioned, a large body of Troops arrived from France, under the command of *Major General the Marquis de* MONTCALM, whose bravery was destined to throw a lustre on the decline and fall of French dominion in America. His first success was against Fort Oswego; the garrison of which was reduced to capitulate, in the month of August; and the military propensities of the Colonists, were gratified by the triumphant display of English prisoners, regimental colours, and other warlike trophies, conveyed to Montreal. The following winter was not entirely passed in dissipation; for the active mind of Montcalm planned an expedition, which, though it failed in the primary object of destroying fort George, succeeded in destroying the out-works, the adjoining store houses, and about thirty batteaus and sloops, prepared for the intended attack on Crown Point. A. D. 1756.

The preparations of De Montcalm, for the Campaign of 1757, requiring much labour, on the part of the Colonists, in the conveyance of Troops and Stores, were signalised by the most flagrant abuses, on the part of the Intendant and the Commissariat Department, with which latter he connived, in oppressing the Inhabitants, and in defrauding the Government, which was charged, by the Contractors, at the rate of five Livres per quintal, for the conveyance of Stores from Montreal to Lake Champlain, while the Intendant contrived to have the labour done by the Colonists and Troops, bribing the Military Officers, to prevent an immediate exposure of his nefarious conduct, and extending the system of paper currency in the Colony, in order to lessen those demands on the Treasury of France, which might otherwise have alarmed the Colonial Department, and excited an inquiry into the enormous expenditure of Canada. 1757.

Amidst this waste and plunder of the resources of the nation and of the Colony, Montcalm was entirely occupied with the plans of warfare; and he signalised the campaign, by the capture of Fort George, which was followed by a lamentable inability or neglect, on his part, to protect the English prisoners, in their march to Fort Edward; during which they were surprised, and nearly all murdered by his Indian Allies. This deplorable event, proving that the French were either unable or unwilling to restrain the barbarities of the Indians, had a decisive influence on the future conduct of the war; and thenceforth the determination of the English Colonists to destroy French dominion in America, was supported by the indignation of the British Ministry, at this massacre of two thousand of His Majesty's regular Troops. The elder Pitt, afterwards *Earl Chatham*, was now Prime Minister of England: and the energy which he infused into His Majesty's home and Colonial Governments, was soon felt in Europe and in America.

A. D. 1758. The change of the English Ministry enforced attention on the part of the Marine and Colonial Department of France, to the requisitions of De Montcalm for troops and supplies; but the great English Minister may be said to have fought the battles of America, in Europe, by occupying the force of France. The effect, however, of this diversion of force was not quickly ascertained; and the promises of aid, with occasional shipments of ammunition and provisions from France during the year 1758, stimulated the native courage of De Montcalm; whose splendid military reputation inspired confidence in the Colonists, and in their Indian Allies, notwithstanding the malversations and notorious peculations of the Intendant. Meantime the Bishop and his Ecclesiastics, separating their cause from that of the profligate Court of France, perceived that the Conquest of Canada, by the Protestant Government of England, might diminish their power; and they unceasingly employed their great influence to cloak the crimes of the Colonial Government, and to animate the inhabitants to defend the Country against the enemies of France and of the Romish Religion. The defensive resources of Canada were therefore still greater in a religious or moral, than in a physical point of view; religion, or rather fanaticism, was employed to excite resistance to the English, as appears from the *Mandement* or charge of the Bishop, dated 18th April, 1759.

1759. Our limits forbid a detail of the military operations of the eventful campaign of the year 1759; but we shall briefly allude to the plan of invasion, and that of the defence, hastening forward to the results.

The British Government, having resolved that a measure, undertaken at the urgent entreaty of the Colonists of New England and New York, should be so conducted as to give them an opportunity of complete co-operation between the regular land and sea forces and the Provincial troops, directed the invasion of Canada to three principal points, under three Generals of talent and reputation; and, in case of success, it was understood that the three divisions should meet at Montreal, to concert the means of preserving their Conquests. The forces directed against Quebec should be first mentioned, as their success decided the fate of Canada. They were commanded by the heroic General Wolfe, who fell in the arms of victory on the heights of Abraham, before Quebec. The troops, amounting to about Eight Thousand men, were chiefly drawn from the army which, under the same commander, the preceding year, had taken *Fort Louisbourg in Cape Breton*, and subdued that Island; they were conveyed to the vicinity of Quebec, by a fleet of vessels of war and transports, commanded by *Admiral Saunders;* and they landed, in two divisions, on the Island of Orleans, the 27th of June, and received orders to prepare for a vigorous campaign; while their hopes of success were augmented by an intimation of the co-operation of the armies directed against other points of Canada, intended to divide the forces and distract the attention of the French Commanders. Gene-

ral Wolfe, at the same time, published and distributed a Manifesto, which is remarkable as not promising more favorable terms to the French Canadians, for quiet submission, than were afterwards accorded by the Capitulations of Quebec and Montreal, when they had participated in the most ferocious resistance to the invaders, joining the scalping parties of Indians, and mingling in every species of cruelty, till they were finally overpowered and disarmed. This conduct, however, was chiefly owing to the influence of the Clergy; whose exhortations had infused religious fanaticism into the minds of the Colonists, who were led to believe that the means were justified by the proposed object, of securing their temporal and eternal salvation, by the extermination of the English heretics. So general indeed was this feeling, that the Conquest of Canada is not more to be ascribed to the talent of General Wolfe, than to the neglect of the French Court to provide for the defence of that Colony, in a manner suitable to its national importance, and in compliance with the requisitions of the brave *General De Montcalm*, who must have considered himself and Canada, as destined sacrifices to the vices and exigencies of his licentious Monarch, and profligate Court. A. D.

Under the complicated evils of national neglect and Colonial abuses, De Montcalm's dispositions for defence were admirable; and he alone is the prominent figure in this last and desperate struggle, on the part of France, for dominion in America. The Governor General, *the Marquis De Vaudreuil*, was too much implicated in the Colonial Jobs and abuses of Bigot, *the Intendant*, to deserve the praise of an impartial historian; and, except as the signer of the Capitulation of Montreal, and the tool of Priests and military men, intriguing with the victors to obtain unreasonable conditions of surrender, his name and character will seldom be mentioned.

In the month of May, a Council of War decided on defending Quebec, in a manner which showed the lingering hopes of De Montcalm, that powerful succours would still arrive from France, enabling him to provide against attacks on other parts of the Colony. The forces and their commanders are described as follows:—

The Quebec Brigade, commanded by *Colonel De St. Ours*, on the right,	3500 men.
The Brigade of Three-Rivers, commanded by *Monsieur De Borme*, on the right,	900 men.
The centre, to be composed of regular troops, commanded by *De Senezargues*,	2000 men.
The Montreal Militia, on the left, commanded by *Mr. Prudhomme*,	1100 men.
The Brigade of the Island of Montreal, commanded by *Mr. Herbin*,	2300 men.
Total,	9,800 men.

A. D. These were the disposable forces; and the reserve was composed of Cavalry, chiefly regulars, ... 350 men.
Light troops, chiefly Canadians and Acadians, ... 1400 men.
Indians, exclusive of those to be employed in scouting and scalping parties, ... 450 men.

2200 men.

In all 2200 men, commanded by *Mr. Boishebert.*

The artillery, stores and provisions, under the direction of *Mr. Mercier*, were, with the reserve, to be stationed at such points as circumstances might require; but the disposable forces were to be ranged in the order of battle before mentioned, from the river St. Charles to the Falls of Montmorenci, with the view of opposing the landing of the British forces: while the garrison of Quebec, was to consist chiefly of the City Militia, under the command of the Chevalier De Ramsay.

To this small force and a few vessels of war, including fire ships, the defence of Canada may be said to have been abandoned, by *Louis the Fifteenth of France;* for the event proved, that a signal defeat of this force would ensure the ultimate Conquest of that extensive Country, and the extinction of French dominion in North America.

The bravery of those forces, and the skill of their Commanders, were first evinced by the failure of General Wolfe in his attack on the intrenchments at Montmorenci; and it appears, from the official despatches of that great warrior, that he had great doubts of succeeding in the primary object of reducing Quebec, during the year 1759. This object, indeed, was chiefly obtained by one of the chances of war, which are tempted by enterprising Commanders, under a great responsibility to their Sovereign, and never contemplated in the official plan of a Campaign. Meantime the fire of the ships of war upon the Fort had done little damage to the Citadel, though the Lower Town of Quebec had been nearly destroyed; and the hopes of success were at last solely founded upon the practicability of gaining a position on the heights of Abraham, behind the City; where the utmost vigilance was exercised by De Montcalm, to prevent an attack on what he considered the weakest point of the fortification. At this juncture, the genius and enterprise of General Wolfe were displayed; and his proposal, having been approved by a Council of War, composed of the principal military and naval commanders, was executed on the morning of the memorable 12*th September*, 1759, the movement being favoured by such a combination of secrecy, silence and address, in the officers and troops, as has never been exceeded. The utmost vigilance of the French Commander having been unavailing to guard this important pass, he seems to have lost all forbearance; and, finding that his antagonist had gained so much by hazarding all, he desperately resolved to follow his example, and meet him in battle array, on the plains of Abraham. This imprudent conduct has never been satisfactorily accounted for; and it

is to be classed among those anomalies in war, which exhibit the party interested to prolong the struggle, hurrying on the crisis desired by its opponent. This battle displayed as much coolness and courage, on the part of the English, as it did heat and precipitation, on the part of the French : the latter sallied forth from a strong fortress, without field artillery, and without even waiting the return of the large force, detached as a corps of observation, under *De Bougainville :* the former, who knew that retreat from their peculiar position would be as dangerous as a temporary conflict, waited the onset of De Montcalm, using every precaution to cover their flanks and preserve their communication with the shore. This battle, indeed, was more remarkable for displays of courage, than for any scientific manœuvres, and was chiefly decided by the use of the bayonet and broadsword, by the British, the agile Highlanders serving, in a great measure, to supply the want of cavalry; while the steadiness of the English fusileers rendered the want of artillery less felt than it was by the French, whose ranks once broken, could never be reformed, on the field. General Wolfe, after the first disposition of the troops, appears to have bent his whole attention to encourage the steady advance of his right division, exposing himself in the front of the line, in a manner more heroic than judicious, considering his chief command. Thus courting danger, he was repeatedly wounded, and at last mortally, at the decisive moment, when the French gave way and were pursued, with great slaughter, by the Highlanders, sword in hand. His last words prove that he expected a more stout resistance on the part of the French. Faint with the loss of blood, and leaning on the shoulder of an officer, he was roused by the cry, "*they run ! they run !*"—"*who runs?*" exclaimed the dying warrior : "*the French,*" said his attendant. "*What ! do the cowards run already ? then I die happy.*" Thus died General Wolfe in the arms of victory, at the very time when his Despatches to London arrived, and had prepared the Government and the British nation for the failure of his enterprise. The reaction produced in the public mind, by the account of his victory and death, exceeded all precedent ; and the manifestations of national gratitude to his memory have tended to enhance the importance of the Conquest of Canada in the page of history ; where it is always associated with the heroic character and warlike glory of Wolfe. The fate of the French Commander in Chief gives additional interest to this decisive battle : he also was mortally wounded ; and both the conquerors and the conquered, joined in bewailing their death as national losses.

The precipitation of *De Montcalm* prevented the junction of *De Bougainville's* corps, which only approached the field when the victory had been obtained ; he retreated with the remains of the army of De Montcalm, leaving Quebec to its fate. The garrison dispirited by the death of De Montcalm and the retreat of the army to the interior,

A. D surrendered, without a struggle, by Capitulation, dated 13th September, 1759.*

Quebec having Capitulated, the entire Conquest of Canada became comparatively easy to the co-operating armies; and we chiefly find, in the following campaign, some drawn battles and indecisive actions between the French and English.† The only military event of importance as respects the Conquest of Canada, besides the surrender of Quebec, in the year 1759, was the reduction of Fort Niagara, by *Sir William Johnson*, and the fortification of Crown Point, and Ticonderoga, by *General Amherst*. Passing over a variety of accidents, impeding the execution of the plan of the campaign of 1759, we shall merely state that the contemplated junction of the different divisions of the invading forces took place on the Island of Montreal in September 1760. This event, combined with the misconduct of the Intendant Bigot, produced the Capitulation of Montreal, dated the 8th of September, 1760, and the complete subjection of Canada to Great Britain.

The nefarious conduct of Bigot and his Dependants had previously alienated the affections of the Colonists; but, when at length the
1760. Court of France, aware of the enormous waste and peculation which had been practised, refused payment of his Bills of Exchange, and thus deprived him of the usual means of redeeming the paper currency of the Colony, universal distrust and alarm took place.

The Card Money, or Paper Currency of Canada, was founded upon the reponsibility of the King of France, for the general expenses of the Civil and Military establishments of the Colony; and it had been so faithfully redeemed, at the stipulated periods, during thirty years, that it enjoyed unlimited credit. The portion annually tendered for Bills of Exchange, was but a small part of the circulation, being only what was required to purchase merchandise in France, for the Company and for the private Traders. This credit enabled the Intendant, for a long time, to conceal his waste and peculations; but

* Note. The Population of Quebec, in the year 1759, was 6700 souls.
Three Rivers, 1500 "
Montreal, 4000 "
The whole of the Militia amounted to about Twenty Thousand men, from the age of 16 to 60 years.

† The principal action in the vicinity of Quebec after its surrender, was that of the 28th April, 1760; when *General Murray*, who had been left with a garrison of five thousand men, rashly decided on quitting his fortifications, and risking a battle with *the Chevalier De Levi*, who, by unprecedented exertions, had collected an army of regulars and militia, amounting to twelve thousand men. The numbers of the British engaged in this affair were three thousand: they fought bravely, during about two hours; but, overpowered by numbers, they were at length forced to retire to Quebec, with a loss of a thousand men and that of all their field artillery. Following up his success, De Levi immediately besieged Quebec; but his batteries had made but little impression before the arrival of a small squadron, under *Commodore Swanton*, with a reinforcement of troops from England, was announced, causing the precipitate retreat of the French towards Montreal.

when they had extended beyond all precedent in the abuses incident to absolute Governments, the Court of France, with characteristic levity, suddenly dishonoured the Bills of Exchange, which Bigot had drawn on the Treasury, amounting to twelve millions of Livres, or *five hundred thousand Pounds sterling*. Thus, while the British were successfully attacking the Territory, the King of France, by one blow, destroyed its financial resources, and facilitated the ruin of his Empire in America.* A. D.

No Colony had ever such rational causes for satisfaction, at the change of dominion, than Canada; and previous history affords no example of such forbearance and generosity, on the part of the conquerors, towards the conquered. Our limits forbid our detailing the sacrifices made by the British Commanders and Troops, to repair the losses, and relieve the necessities of the Colonists; but we can safely assure our readers that this conduct formed a new era in civilised warfare, and that an admiring world admitted the claim of Great Britain to the glory of conquering a people, less from views of ambition and the security of her other Colonies, than from the hope of improving their situation, and endowing them with the privileges of freemen.

The Capitulation granted by General Amherst, being particularly referred to in the body of this work, may be here slightly alluded to, as according every security to life and property, religious and civil lity, which could reasonably be requested, and by remarking that its execution, on his part, was so faithful and energetic, that the subsequent negotiations with France, for the final cession of Canada, by the Treaty of Paris, affords not a single instance of complaints addressed by the French Canadians to the King of France, except against the misconduct and bad faith of his Financial Officers in the Colony.

After the Conquest and Cession, the first important measure, on the part of the new Sovereign, was the Proclamation, dated the 7th of October, 1763; which clearly states the benevolent and political intentions of the Conqueror, with respect to his new and old Subjects, which intentions were unfortunately interfered with, by the subsequent measures adopted by the British Ministry to coerce the old Colonies, now the United States of North America. 1763.

The population of Canada, at the Conquest, was about sixty-five

* The Paper Currency, unredeemed at the Conquest, exceeded FOUR MILLIONS STERLING; and the only compensation obtained for the holders, by the interference of the British Government, was about four per cent. upon the original value: this trifling dividend, however, was chiefly beneficial to Speculators, who purchased the Card Money from the great majority of the Colonists, at an average of one per cent. It was a slight consolation to the French Canadians, to learn that *Bigot*, and several of his Creatures, who had been the means of depriving them of the fruits of many years of industry and economy, had been severely punished in France. On this subject, we must refer enquiring readers to the Records of the French Tribunals.

thousand souls, chiefly employed in agriculture, inhabiting a narrow
A. D. strip of territory, on the banks of the St. Lawrence, and its tributary streams. An increase of population, and an extension of Settlements, were thus rendered expedient, by views of national interest, and by the facilities afforded by a state of peace, to reward the labours of the conquering army, by grants of the Waste Lands of the immense acquisitions of territory, which its bravery had procured to the British Empire.

The Proclamation contained a general invitation to British Settlers to resort to Canada, promising the enjoyment of the Laws of England, with the future benefit of a House of Assembly, or Representative Government. The Proclamation farther contained a promise of Grants of Land to the Officers and Privates of the disbanded Regiments which had served during the war; all those encouragements, not less benevolent than wise, produced, in a few years, a great resort of British Settlers, both commercial and agricultural. With those Settlers, were introduced the ideas of British privileges, promoted by the establishment of a Press at Quebec; where, for the first time in Canada, a Newspaper, called THE QUEBEC GAZETTE, was published in the year 1764.

1764. This same year, Courts of Criminal and Civil Jurisdiction were established by the Provisional Government, instructed to administer justice in the Colony, agreeably to the laws and practice of the English Courts. This regulation was promulgated by Governor Murray, in the form of an Ordinance of the Governor in Council, dated the 17th of September: it contained an equitable proviso, that the French laws and customs should be allowed and admitted in all causes, in the Courts of Civil Jurisdiction, between the natives of Canada, in the controversies originating before the 1st of October, 1764.

Thus were the Laws of England introduced in perfect accordance with the spirit of the Capitulation, and with the promise contained in the Proclamation already referred to, and agreeably also to the published instructions of the British Government to General Murray, who had been appointed Governor by Commission, dated the 21st of November, 1763.

In the month of November, 1764, the Governor and Council, influenced by the remonstrances of the Leaders of the new Subjects, passed an Ordinance, enacting that, in actions relative to the tenure of lands and rights of inheritance, the French laws and usages of Canada, should be observed as the rule of decision; and a Court of Equity was also established by another Ordinance, in which the Governor was to precide as Chancellor, with two Masters, two Examiners, and one Register, which Court continued to exist till the great change in the year 1774, when it merged into the Courts erected in virtue of the Act 14, Geo. III., Cap. 83.

It was not to be supposed that the introduction of the English Laws should have given satisfaction to the Leaders of the new Sub

jects, however beneficial it might eventually be to the mass of the population; this measure was a matter of state policy, calculated to attract Emigrants from Great Britain, and from the adjoining British Colonies in North America, *with the view of Anglifying the Country, and making it British in fact, as well as in name.* As a temporary expedient, the Ordinances and Acts of the Government continued to be published in French, as well as in English; but it appears to have been fully intended to prepare the rising generation of French Canadians, by an English education, to understand the laws and commands of the Sovereign, in his native language, and thus, agreeably to the most approved policy of all conquerors, ancient and modern, to amalgamate the French with the English Subjects. This course, however, was followed in a conciliatory manner: the Crown Lawyers were employed to devise a plan of a Code of Laws for Canada, suited to its present circumstances, and with a view to its ultimate destiny, as an extensive British Colony; and, among the elaborate reports on this important proposal, that of *Sir James Marriott,* is particularly worthy of being referred to. To assist the Officers of the Crown in conciliating the English Laws with those which had previously prevailed, a compilation of the laws existing before the Conquest, was framed so skilfully by Monsieur Cugnet, as to present the appearance of a connected Code; and it is worthy of remark that this compilation was eventually employed to mislead the British Parliament in the year 1774, and to give that body an idea that Canada enjoyed a Constitution and a connected frame of municipal laws before the Conquest. A. D.

The plan of *Sir James Marriot,* if accidental causes had not unfortunately intervened, would certainly have gone into effect; and, with the exception of the application of a part of the French Laws to the tenure and inheritance of Lands granted by the King of France, English Civil, Commercial and Criminal Law, administered according to English practice, would have been definitively established in Canada. This course, however, was regarded with great jealousy by the Leaders of the French Canadians, who foresaw that it would diminish their pretensions; and they took every opportunity of insinuating to *Governor Murray,* and to his successor *Governor Carleton,* afterwards *Lord Dorchester,* that the contemplated changes, however beneficial in a Commercial point of view, would prevent the attachment of the old Subjects to His Majesty's Government, and gradually revive their partialities to that of France. Thus, unfortunately, they produced hesitation and delay in His Majesty's Ministry, and prepared the mind of *Governor Carleton,* to propose, at a future crisis, the restoration of those French Laws, which have for more than half a century discouraged the Settlement of Subjects of British descent in Canada. The crisis was now approaching when this measure could be represented as a necessity of state. The unfortunate attempt, to raise a revenue for general purposes, by imposing the Stamp Tax on the old Colonies, was made in 1765.

A. D. the year 1765, without due attention to the temper and strength of those extensive Settlements; the inhabitants of which three millions in number possessed the most exalted ideas of British privileges, and also those physical and moral habits which disdained subjection to all laws which they had no share in framing, or which they had not spontaneously adopted, from a sense of their utility. They had submitted to the power of the British Parliament, so far as regarded the regulation of trade, and the monopoly existing under the navigation laws: they knew the advantages derived to them from the Markets of Great Britain, and were willing to preserve them by submitting to various restrictions, sanctioned by time. But the pretension of the British Parliament to raise a revenue for general purposes, excited a jealousy, which was farther encreased by the writings of speculative politicians, who asserted that, according to the principles of the British Constitution, there could be no taxation without representation.

Though, on the principle of expediency, the obnoxious Stamp Tax was repealed, this repeal was followed by an Act declaring the legislative power of the British Parliament, *to bind the Colonies in all cases whatsoever;* and, in the meantime, exportation duties were imposed in Great Britain upon articles shipped to the Colonies, which the latter construed as merely a practical modification without an abandonment of the obnoxious principle. Those measures of the British Parliament are, however, less censurable in the abstract, than they are on the principal of expediency: all laws, and more particularly those of revenue, are to be framed with due regard to the power of executing them; and, in the present case, formidable obstacles existed. The old Colonies, connected together by similarity of origin, and by the physical bond of a long line of coast, facilitating commercial intercourse; having also ascertained their military and naval strength, in co-operating in the Conquest of Canada; possessing likewise local Legislatures, pretending to powers analogous to those of the British Parliament, were not likely to submit to any new exercise of predominancy, which accordingly produced determined resistance, first in THE NEW ENGLAND COLONIES, and afterwards in the others, who sympathised and made common cause with them. This resistance proceeded by degrees, calculated to admonish a prudent administration: riots and nocturnal depredations, remonstrances, by the Local Legislatures; Associations to prevent the importation and consumption of British Manufactures, gradually took place, previously to that open defiance, which distinguished Lexington and Bunker's Hill.

The British Parliament, meantime, influenced not less by the natural love of power, than by the arguments of the Ministry, proceeded to coercive measures. The destruction of the cargoes of tea, shipped by the East India Company, which had paid the export duty, produced the Act shutting the Port of Boston; and a variety of measures were devised to divide and weaken the Colonies, previously to any display of military coercion, on the part of the Imperial Government.

The inefficacy of those preliminary measures, prepared the Ministry for something more decisive; and, contemplating a demonstration of force on the side of Canada, against the old Colonies, they consulted *Governor Carleton*, as to the means of exciting the zealous co-operation of the Leaders of the French Canadians; when he suggested the restoration of French Laws, and, as far as possible, the accordance of the original demands in the Capitulation of Montreal, at the Conquest. Thus originated the celebrated QUEBEC ACT, 14, *Geo. III., Cap.* 83, described in the body of this work, which was calculated to restore Canada to a situation entirely different from that of the other British Colonies, distinguishing it by French laws, religion, manners, and language. The results of this measure are described in the following chapters; and it is shown that, instead of forwarding the views of the Ministry, it merely added religious to political motives, for the resistance of the old Colonies, which might, however, have been rendered ineffectual, by a prompt application of an adequate military force.

A. D.

14 Geo III

1752

During the succeeding long and expensive war, which, by the infatuated interference of France, ended in the independence of the old Colonies, no adequate benefit resulted from the sacrifices of the interests of British Colonisation, made to the Leaders of the French Canadians. The Country was invaded, and overrun by the rebels,* and more particularly when Quebec was besieged by Arnold and Montgomery, it was defended chiefly by the regular troops and British Inhabitants. The attack upon the rebellious Colonies on the side of Canada, was unsuccessful; and Great Britain, at the close of the war, remained merely in military possession of Canada, which she had rendered as much French, as it was at the period of the Conquest, by her impolitic restoration of French Laws, before mentioned. But the impolicy of the Quebec Act, began to be more particularly felt, when accidental causes forced the introduction, at once, of a large body of Settlers of British descent.

During the contest with the old Colonies, many thousands of respectable Individuals preserved their Allegiance to the British Crown, advancing, co-operating, and retreating with the British Troops; and under the name of Loyalists, they were chiefly located in the year 1784, in Nova Scotia, New-Brunswick, and the Province of Quebec, to the Upper part of which latter Province, these Settlers chiefly proceeded.

* It has been asserted by the writer of the life of General Washington, that the principal cause of the failure of the invasion of Canada, in the year 1775, was the want of money, rendering the revolutionary Generals unable to pay for the subsistence of the army, in specie. We find, also, by the Despatches of *General Burgoyne*, that *Governor Carleton's* expectation of obtaining the co-operation of a respectable force of Canadian Militia, in the invasion of the old Colonies, was entirely disappointed, and that only a few Companies of Volunteers, and some hundreds of Indians could be induced to join in the unfortunate expedition of the year 1777, which ended in the humiliating convention of Saratoga.

A. D. This led to a new era in Canadian affairs; for the Quebec Act not having established a representative Government, agreeably to the promise of the Proclamation of 1763, the new Colonists used every means to obtain this boon: hence originated the celebrated Petition of 1784; in which many French Canadians joined, soliciting the entire repeal of the Quebec Act, and the establishment of a representative Constitution, with such a mixture of French and English Laws, and such a distribution of elective suffrage between the old and the new Subjects. as in the wisdom of the British Parliament, might be deemed expedient.

Owing to a variety of causes, this Petition was neglected till the year 1790; when, unfortunately, the British Ministry divided the Province of Quebec into two Provinces, under the names of Upper and Lower Canada, giving to each division, a Legislature, consisting of a House of Assembly, representing the people, and a Legislative Council, intended to exhibit the aristocratic branch of the British Constitution.

This arrangement, being the subject of criticism in the body of this work, requires no remark in this introductory Chapter.*

* This Introduction, like the body of the Work, written on the spur of the occasion, may be extended, in case that encouragement to publish a second edition, be obtained. In such a case, the account of Canada will properly comprehend a view of its Agriculture and Commerce, with a variety of details, which the writer, however anxious to enter into at present, is prevented by his private avocations from giving to the public.

POLITICAL ANNALS

OF

LOWER CANADA.

CHAP. I.

A. D. 1759–1791.

Design of the Work.—Crisis of Political Affairs in Lower Canada.—Pretensions of the House of Assembly more alarming when its composition is considered.—Those pretensions partly owing to the defects in the Constitutional Acts of the Imperial Parliament.—Investigation proposed theoretical and practical.—The pretensions not founded on the Articles of Capitulation, nor on the Treaty of Cession.—Situation of the French Canadians under the Cession.—Review of Documents.—Reference to the Constitutional Acts of 1774 *and* 1791, *as the foundation of the power and pretensions of the French Canadians.—Review of the Act* 14 *Geo. III. cap.* 83.—*Consequences of its establishment of the old French Law, and other injudicious enactments, the non-execution of section 9th producing a division of the Province of Quebec.—This Act, intended chiefly to coerce the old Colonies, had a contrary effect.—Review of the Act* 31, *Geo. III. cap.* 31, *commonly called the Constitutional Act.—Important omissions in this Act.—It contains no provision for representing new Settlements.—It violates the pledge of giving English laws to British Emigrants, under the Proclamation of the year* 1763.—*Strictures on the division of the Province into Counties, by Lieutenant Governor Clarke.—Erroneous principle of representation adopted, so far as regards a vast Country requiring extensive Settlements.—Omission to enact a qualification of property for a seat in the House of Assembly.—Approved course of policy for amalgamating the new with the old subjects neglected by the Conqueror of Canada.—The legitimate objects of Colonisation counteracted by the defects and errors of the Constitutional Act.—Anticipating review of the progress of the ambition of the Leaders of the French Canadians under the new Constitution.—Consequences of longer neglecting to check this ambition by an interference on the part of the Imperial Parliament.*

WE propose to investigate the various causes which have combined to produce the present extraordinary crisis of Political Affairs in Lower Canada. The French Canadian Leaders in the Provincial House of Assembly, professing to act constitutionally, have brought themselves and their adherents into direct collision, on matters of finance, with his Majesty's Executive, acting under instructions, advisedly given by his Majesty's Imperial Government.

The Imperial Parliament is the legitimate interpreter of the Constitutional Acts, which established a civil government in this Province, —but until this interpretation be definitively announced, individuals are left, uncontrouled by this high authority, to speculate upon the theory and draw their own conclusions from the practice of the Constitution.

If we have formed a correct idea of the scope of the pretensions of the House of Assembly, they extend to a virtual monopoly of the powers of the civil government, by such a complete controul in legislation and finance, as would render his Majesty's Representative and the Legislative Council subservient to the interests, prejudices, and passions of the French Canadian majority. These pretensions, hereafter to be historically reviewed, are the more alarming to Britons, when considered as emanating from Members enabled to form the political opinions of their uneducated Electors, professing the Romish religion, and farther distinguished from the rest of his Majesty's subjects, by an indiscriminating attachment to the laws, language, manners and habits of their French ancestors. Believing, as we sincerely do, that those pretensions have, in a great degree, arisen from the encouragement afforded to the exclusive ambition of the French Canadian Leaders, by the Constitutional Acts 14 Geo. III. cap. 83, and 31 Geo. III. cap. 31, we shall first review their theoretical defects, and next, on the principle of judging of a tree by its fruit, we shall examine their practical effects, from the period of their going into joint operation in the year 1792, till the late prorogation of the Provincial Legislature in the end of the year 1827.

1827

We shall, however, previously remark, that several pretensions of the French Canadians are erroneously founded upon the Articles of the Capitulation and Cession of the Country. It will appear by the following account of those Documents, that General Amherst, in the first instance, tendered, and the King of France confirmed the conquered inhabitants of Canada to his Britannic Majesty, as deserving objects of his benevolence, devoid of any pretensions which could interfere with the approved policy of assimilating them to that accession of population from the United Kingdom, which it was the interest and intention of Great Britain to encourage, as expressed in his Majesty's Proclamation, dated the 7th October, 1763. The new Subjects, in fact, might, by good management, have been speedily rendered un-

bitious of Anglification, if the sacrifice of their predilections and prejudices had been made the unavoidable condition of their being admitted to a participation in the extensive privileges, which are the birthright of Britons.

In referring to those Capitulations, it is our duty, at the outset, to declare them to be only temporary arrangements, and that they should merely be consulted as containing the desires of the conquered, and the momentary decisions of the military men, who commanded the victorious armies that achieved the conquest. *These temporary compromises are well understood to be submitted to the definitive regulations of the contending Sovereigns;* so that the first and only legitimate Act of Diplomacy on which the conquered Colony can support its rights, is such Articles of the Treaty of Cession, as may be found inserted in the general and definitive treaty of peace between Great Britain and France after the conquest of Canada. The obligations of his Britannic Majesty which have reference to our subject, are briefly expressed in a paragraph of the fourth article of the definitive treaty, concluded at Paris, on the 10th February, 1763, as follows:—"*His Britannic Majesty, on his side, agrees to grant the liberty of the Catholic religion to the inhabitants of Canada: he will consequently give the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion, according to the rites of the Romish Church, as far as the laws of Great Britain permit.*"

But, as the injudicious Act 14 Geo. III. cap. 83, was less founded on this discreet stipulation, than upon a general indulgence of the desires of the conquered, expressed in the articles of capitulation demanded, we shall briefly review those of them which relate to civil and religious rights, *with the answers of the commanders of the victorious forces.*"

As the Capitulation of Quebec contains nothing on this subject which is not repeated in that of Montreal, concluded between Major General Amherst and the Marquis de Vaudreuil, on the 8th September, 1760, we shall attend to the contents of this document only, referring our enquiring readers to the Capitulation of Quebec.

We cannot, however, avoid remarking that, on a general review of the military, civil, and religious demands of the Marquis, we can only account for them from the overweening vanity, which has always characterised Frenchmen and their descendants, in war and in peace. Would Buonaparte, whose name is still the rallying cry of the majority of Frenchmen, have given the mild answer to conquered Britons, which General Amherst gave to the following extraordinary demand, contained in the 41st article?

"*The French, Canadians and Acadians, of what state or condition soever, who shall remain in the Colony, shall not be forced to take arms against his Most Christian Majesty, or his Allies, directly or indirectly, on any occasion whatever; the British Government shall only require of them an exact neutrality.*" To this demand, the British General mildly answers:—"THEY BECOME SUBJECTS OF THE KING."

After remarking that, on the principle of "*Charity begins at home,*" the French officers, civil and military, fill the greater part of the document with demands for their own dignity, interest, and safe conveyance, we turn to what more particularly regards the religious and civil departments.

Article 27th demands the free exercise of the Romish religion, and that the British Government shall oblige the people "*to pay the Priests their tythes, and all they were used to pay under the French Government of his Most Christian Majesty.*" The answer to this article is "*Granted, as to their free exercise of their religion;* THE OBLIGATION OF THEIR PAYING THE TYTHES TO THE PRIESTS, WILL DEPEND ON HIS MAJESTY'S PLEASURE."

Articles 28th and 29th demand, that the Chapter, Priests, and Curates, and Missionaries shall continue, with an entire liberty, their exercise and functions of Curés in the parishes of the towns and countries; that the Grand Vicars shall have the same liberty, exercising all the jurisdiction they exercised under the French dominion, with the right of administering the Episcopal Diocese during any vacancy. The answer to these articles is, GRANTED, EXCEPT WHAT REGARDS THE FOLLOWING ARTICLE.

Article 30th. "*If, by the Treaty of Peace, Canada should remain in the power of his Britannic Majesty, his Most Christian Majesty shall continue to name the Bishop of the Colony, who shall always be of the Roman communion, and under whose authority the people shall exercise the Roman religion.*" The answer to this article is "REFUSED."

Article 31st. "*The Bishop shall, in case of need, establish new Parishes, and provide for the rebuilding of his Cathedral and his Episcopal Palace; and in the mean-time, he shall have liberty to dwell in the towns or parishes as he shall judge proper. He shall be at liberty to visit his Diocese with the ordinary ceremonies, and exercise all the jurisdiction which his predecessor exercised under the French dominion, save that an oath of fidelity or promise to do nothing contrary to his Britannic Majesty's service, may be required of him.*" The answer to this article is "COMPRISED UNDER THE FOREGOING." This answer means that the nomination of a Bishop, by the King of France, being refused, the jurisdiction of such a Bishop and the exercise of his functions must also be refused.

Article 32d demands that the communities of the Nuns shall be preserved in their constitutions and privileges; *which was granted.*

Article 33d makes the same demand for the communities of Jesuits and Recollets, and of the house of the Priests of St. Sulpice at Montreal; and that these last shall preserve their right to nominate to certain curacies and missions as heretofore. The answer to this is, "REFUSED, TILL THE KING'S PLEASURE BE KNOWN."

Article 34th. "*All the Communities and all the Priests shall preserve their moveables, the property and revenues of the Seigniories and other estates which they possess in the Colony, of what nature soever they be;*

and the same estates shall be preserved in their privileges, rights, honors and exemptions." The answer to this article is, "GRANTED." This article has never been confirmed by his Majesty nor by the British Parliament, as will appear by the exception in the 8th section, of the Act 14 Geo. III. cap. 83, which stands unrepealed. Besides reasons of state, rendering it inexpedient, this want of confirmation is naturally ascribed to the banishment of the order of Jesuits from all the unceded dominions of France, on the 6th August, 1762; *whereas, Canada was only ceded to Great Britain as already mentioned by the Definitive Treaty of Peace, signed at Paris, 10th February,* 1763.

Article 41st, demanding neutrality for the Canadians and Acadians, has been previously recited, and the answer given, namely, "THEY BECOME SUBJECTS OF THE KING."

Article 42d. "*The French and Canadians shall continue to be governed according to the Custom of Paris, and the laws and usages established for this country; and they shall not be subject to any other imposts than those which were established under the French dominion.*" The answer to this Article is "answered by the preceding Articles, and particularly BY THE LAST;" that is to say, they become subjects of the King, and consequently, in the mean-time, to British laws. The demand, so far as regards French Laws, contained in this Article, embodied with others, was injudiciously granted by the British Act 14 Geo. III. cap. 83, section 8, *after British laws with their powerful attractions to British settlers had prevailed in the Province* FOURTEEN YEARS. This may be well called generosity to foreigners and injustice to Britons; and some persons have sarcastically remarked that, after sanctioning this Act of Parliament, his late Majesty ought to have given further notice, that his Royal Proclamation of the 7th October, 1763, encouraging Britons to settle in the Province of Quebec, by the promise of the enjoyment there of the benefit of the laws of England, civil as well as criminal, could not be performed; but that, from a sense of justice, and to atone for this violation of his royal word, he would facilitate the return of disappointed and dissatisfied settlers to their native country, and compensate their losses. This sarcasm on the part of certain American Colonists, however disrespectful to the memory of a benevolent King, naturally comes into the remembrance of every writer who reflects upon the multiplied injuries inflicted by the British Act 14 Geo. III. cap. 83, upon all settlers of British origin thus subjected to the Custom of Paris, and rendered *half* Frenchmen, by the necessity of studying French laws, in the French language.

We have now extracted and reviewed the articles of the Capitulation of Montreal connected with our subject; and we find that, though the heroic conqueror of Quebec was dead, General Amherst *would not give up by the pen what was gloriously won by the sword:* this inglorious course was left for Lord North's administration.

The injudicious liberality of the British Government, first to the Clergy and higher classes in the year 1774, and next to the mass of the

population in 1791, has placed the power of the French Canadians on such a foundation, as encourages and enables ambitious leaders openly or secretly to oppose the views of both the Imperial and Provincial Administrations, for promoting the permanent security and welfare of this Province, as a British Colony, subservient to the interests of the Empire at large.

The deliberate conviction of our minds is, that if the intention of his Majesty's Ministers in the year 1791, had preposterously been to render as speedily as possible Lower Canada a hot-bed and nursery of democratical principles; or, in other words, if the question had been proposed, in what manner the neighbourhood of that Province to the United States could be best improved as the means of ripening its inhabitants for independence, and alienating them from the British nation, the answer must have embraced the principal enactments of the present Constitution, strengthened as it is by the richly endowed religion and peculiar code of French Laws, established by the Act of 1774. This will more readily appear from a brief review of the contents of those Statutes.

1. The Act 14 Geo. III. cap. 83, in its long and delusive preamble, declares to the following effect: that the English civil laws which had prevailed in the Province of Quebec for ten years, administered and regulated under commissions to Governors, had been found inapplicable to the state and circumstances of the said Province, the inhabitants whereof amounted at the conquest to about sixty-five thousand persons professing the religion of the Church of Rome, *and enjoying an established form of constitution and system of laws, by which their persons and property had been protected, governed and ordered, for a long series of years, from the first establishment of Canada;**—it therefore enacts that the said English laws and practice of Courts shall be annulled from and after the 1st May, 1775.—The profession of the religion of the Church of Rome is next secured; and its Clergy authorised to receive and enjoy their accustomed dues and rights, with respect, however, to such persons only as shall profess the said religion. The oath of allegiance prescribed in the first year of the reign of Elizabeth, is modified, to suit the consciences of the new subjects; and the property of all Canadians professing the Romish religion *(the religious orders and communities excepted)* is confirmed, together with all customs and usages relative thereto, and all other their civil rights in so far as may consist with their allegiance to his Majesty and subjection to the Crown and Parliament of Great Britain; and it is farther enacted, that in all matters of controversy, relative to property and civil rights, resort shall be had to the laws of Canada, as the rule for the decision of the same, subject; however, to be varied or altered by any ordinance of the Governor and Legislative Council, appointed

* In an Act of *the collective wisdom*, this assertion is highly reprehensible; and we boldly refer to the published sentiments of the present Canadian Leaders to rebut this unworthy idea of an established form of Constitution, having existed in Canada before the Conquest.

in a succeeding section of the said Act. Then follows a remarkable section, the execution of which was prevented by some legal technicalities and anti-British policy, for more than half a century, namely, sect. 9th, "*Provided always that nothing in this Act contained shall extend or be construed to extend to any lands that have been granted by his Majesty, or shall hereafter be granted by his Majesty, his heirs and successors, to be holden in free and common soccage.*"

This Statute which was hastily passed at the instance of Lord North, of unfortunate memory, with the fallacious hope of thus obtaining from *Canadian Priests and Seigniors* the means of coercing the old Colonies,* has never been essentially modified, but remains the principal basis of the existing pretension on the part of the French Canadians to be a separate people, or as they shortly express it, "*la Nation Canadienne.*"

We may here remark in passing, that this Act, calculated to secure to the settled part of the Province of Quebec a decidedly foreign aspect, disgusted the British, who had been encouraged to emigrate, by the Proclamation of 1763, which promised English laws, and also the Loyalists, who had adhered to the British Government in the American Revolution, and it was the great cause of the next measure prolific of evils, namely, *that of dividing the Province, in the year* 1791, when a House of Assembly, with extensive privileges, was granted to each division. These Loyalists having previously fled from French Laws to the Upper Districts of the Province of Quebec, were not unwilling to have a separate Civil Government, leaving the Subjects of British descent in the Lower Districts to be domineered over by a faction, armed by the British Parliament, with an authority which has gradually been turned against the views and interests of the Empire.

Meanwhile, the increasing importunity of the English part of the community, which had settled under the faith of the Proclamation of the year 1763, had prevailed upon the British Cabinet to take the Petition of the year 1784 into serious consideration, and frame a free Constitution, including a Legislative Council in a permanent form, and a House of Assembly renewable quartennially, for this extensive and peculiarly circumstanced part of the Continent of North America, destined by nature, in spite of legislative blunders, to be a powerful Empire, fit to contain a hardy population of many millions of souls.

We now come to review the Act 31 Geo. III. cap. 31.

In examining this Act—commonly called the Constitutional Act—the consideration of what has been omitted may prove still more important than of what has been enacted; and we shall, therefore, begin by stating some imprudent omissions which are almost unaccountable, considering the ample information respecting the state of the Pro-

* It is worthy of remark that, instead of serving the intended purpose, this extraordinary measure forced upon the conscience of his late Majesty George III. of establishing Popery in a British dependency, furnished fresh means of strengthening the revolutionary leaders, and added religious to political fanaticism in the minds of the American people.—This result is particularly worthy of the attention of the philosophic historian.

vince, which Ministers asserted to have been collected for their use, during Mr. Pitt's administration, which had already lasted seven years. Those Ministers had reason to know that the 14th Geo. III. cap. 83, commonly called the Quebec Act, organized and concentrated the power and population of the French Canadians under the feudal tenure; and that, unless some decisive enactment for the encouragement of settlers on the lands granted in free and common soccage, or English tenure, were introduced into this Constitutional Act, the basis of a monopoly of power running counter to English laws, language and characteristics, would be laid in the proposed House of Assembly for Lower Canada, which, if not a complete Oligarchy, must merely represent the sixty-five thousand persons and their descendants, professing the religion of the Church of Rome, as described in the preamble to the former Act. The Ministers of the day ought also to have known, that the ninth section of the Act 14 Geo. III. cap. 83, intended, apparently, to protect the Settlers on the English tenure-grants from French laws, had been suffered to remain a dead letter; and they were thus surely bound in honor to make at least some provision in the new Act for facilitating the participation of such Settlers in Lower Canada, in the exercise of the powers conferred on the popular branch of the new Legislature. But a silence, savouring as much of intrigue as of mere official negligence, was preserved on this topic in the Ministerial speeches, which slurred and hurried over the whole matter. Whether the offspring of Provincial intrigue or of culpable neglect and ignorance, the defect is not less glaring of any declaration of the principle so necessary in colonization, that *the representation of the people should be regulated by the joint consideration of numbers and territorial extent*, thus providing for the progress of new settlements, and encouraging those swarms, which good policy might have conducted from the hive of native population, to be amalgamated with the enterprising loyalists and British emigrants, and rendered capable of exercising, with moderation and intelligence, the privileges of a free constitution. Nor was this defect in the enactment for a division into counties repaired in practice by the arrangements of Lieutenant Governor Clarke and his Council, who seem to have been satisfied with dividing on the sole principle of actual population, and doing nothing for Englishmen or the English language, except *giving English names to Counties wholly inhabited by a people speaking French.* It was owing partly to this mismanagement that the late House of Assembly neither represented the property, the territorial extent, the varied population, nor the commercial interests of the Colony. The representation has, in fact, been hitherto confined to the French Seigniories, or lands, held under the feudal tenure, forming a narrow strip of land along the banks of the St. Lawrence; while the Townships, granted under the English tenure of free and common soccage, *exceeding the seigniories in extent, and containing one eighth of the whole population of the Province, have not a single voice in the House of Assembly.* And among those extraordinary omissions in the

Constitutional Act which have rendered the popular branch incompetent, may be mentioned the silence preserved respecting a qualification of property, in the persons eligible to serve as Members in the House of Assembly. Owing to this unrepaired defect, we have seen many poor Knights and Burgesses sent to Parliament, who have repeatedly attempted to introduce the republican practice of giving daily pay to Legislators. This omission was considered by the Legislature of Upper Canada, so contrary to the analogies of the British Constitution, that one of the early Acts of that body established a qualification, which, however, was so low as to admit Members inclined to support the practice before mentioned, of awarding pecuniary compensation for Legislative service.

We might extend this subject of omissions very far, *judging from events*, but we desire to deal fairly with the memory of the great men who were concerned in the passage of the Constitutional Act, which is wholly silent as to the means of securing a permanent revenue for the support of his Majesty's Government, and the administration of justice within the Province,—the employment of the English language as the text of the laws, and other matters essentially requisite to promote British Colonisation, and preserve this country to the British Crown.

We, therefore, proceed to the enactments, leaving for the present the sins of omission, with the view of describing such sins of commission as they may be found to contain. By the second section, the Province of Quebec is divided, and a Legislative Council and House of Assembly for each division respectively is enacted, forming, with the King's Representative, a semblance of the British Constitution. A marked change of the policy and language of the Proclamation of 1763 is here observable: speaking of the House of Assembly intended for the Province of Quebec, East Florida, West Florida, and the Island of Grenada, the Proclamation says, that such Assemblies shall make laws, *as near as may be agreeable to the laws of England;* while the Act 31 Geo. III. cap. 31, proceeding on the principle of the French law being restored, enacts that the Provincial laws shall be merely *not repugnant to the said Constitutional Act;* thus, it must be allowed, consistently enough, discarding all analogy with English civil law from the Legislative system of Lower Canada. The third section states the lowest numbers which shall compose the Legislative Council and Assembly of both Provinces, leaving us to infer a power in the Provincial Parliament to increase the number of Members of the House of Assembly, in accordance with the increase of settlements and population, besides the undoubted exercise of the King's prerogative in summoning additional Legislative Councillors; the Members of of which latter body are appointed for life. Here also we find a basis for an aristocracy, with titles of honour, attempted to be provided, but which the division of property, under the French law, will render nugatory in Lower Canada; where the rights of primogeniture, so necessary for the establishment of a permanent landed aristocracy, do

not exist. This enactment, indeed, is a glaring proof of the ignorance of its supporters, and forms a striking anomaly in a Constitution which is, in other respects, so defective in prospective policy, *neglecting to provide for the immediate wants of a new Country, and making provision for the characteristic vanities of an old Society.*

Section 14 contains the authority to be delegated to the Governor, for the purpose of dividing the said Province into Districts, Counties, Circles, Towns and Townships, and declaring and appointing the number of Members of Assembly to be chosen by each respectively; but this was executed without any of those extensive and statesmanlike views, which ought to have distinguished the personage entrusted with setting in motion the new machine of Government. When a conquest, such as a little Island or Province, *is fully peopled*, or merely held as a military post, it is of less consequence that its population should be assimilated to that of the conquering power; but, when the extent of the country, and the natural course of human affairs, destine a conquest, such as Canada, to support an immense population, whose prejudices or opinions must eventually controul the Government, it becomes the duty of self-preservation that the conquering power should take early and decisive measures for impressing its national characteristics upon the new conquest;—by publishing laws, and diffusing education and knowledge in the language of the conqueror, introducing and encouraging the settlement of old Subjects among the new, and employing every means of enlightened and benevolent policy to produce a mutual sympathy, by softening or obliterating every remembrance of hostility, and creating common objects of ambition and noble emulation, consistent with the permanent interests and welfare of the Empire at large. Having thus adverted to a principle which, in an evil hour, was lost sight of, in the preliminary arrangements for the introduction of a Representative Government into Lower Canada, we proceed in our review of the Constitutional Act, and observe, that through twenty sections, regulating the mode of election, and describing the Voters and Candidates, no enactment is found calculated to prevent the entire ascendancy of the French Canadian Inhabitants of the Seigniories over the rest of his Majesty's Subjects, or to ensure to the Executive Government of his Majesty, a single adherent in the House of Assembly. This want of precaution would hardly be pardonable in giving a Constitution to a homogeneous population of British origin; but its consequences, in the present case of legislating for a people chiefly composed of persons differing in manners, habits, customs, religion, and language, from the British nation, threaten to destroy every rational and legitimate object of colonisation; one of which is *to raise up a worthy Representative of the Mother Country, willing to receive her instructions, and to afford every assistance for the accommodation of her surplus population, in the extensive forests and unlocated lands of this Continent.* Considering those enactments with more immediate reference to the previously concentrated power conferred on the French Canadians, in

the establishment of French laws and the Romish religion by the Quebec Act, we perceive that the almost universal suffrage extended by the Constitutional Act to this part of the population, must tend to perpetuate their inclination to be a separate people, and to direct them in choosing Representatives, pledged to maintain this favorite object; and a scrupulous attention to the redemption of this pledge has never failed to insure the re-election of the old Members; many of whom already consider their political power and functions in the Government as thus secured during their natural lives. On this point, indeed, we chiefly rest our hypothesis of the monopolising ambition of the French Canadian Leaders in the House of Assembly. In these enactments, and in the peculiar characteristics, and insulating prejudices of the Electors, we find the text, while the measures of the elected facilitate the comment of our doctrine on this important subject, fraught with danger to British Colonisation and Ascendancy in this Country. But, before descending to the particular acts, indicating the purposes of the elected, we shall describe, in general terms, the effects of the present Constitution upon the spirit and disposition of the great majority of the Electors. Partly from incapacity to appreciate and exercise the political power with which they had been invested, and partly from some remaining deference for their English Fellow Subjects, they used their ascendancy at first with moderation; but this disposition was not of long continuance; and, so early as the second election, in the year 1796, it yielded to the inveterate anti-British and anti-commercial prejudices, by which, under the increasing excitement of their Leaders, they have not ceased to be actuated. During some years, while many sanguine and active British Capitalists heartily combined in exercising that influence which their fortunes and their means of giving favors and employment, produced upon a peasantry generally poor, a few Members friendly to the British and Mercantile interests were chosen; but when the native Leaders, *(Lawyers and Notaries,)* by looking on, had obtained some knowledge of the game, those interests were quickly undermined; and it is a humiliating fact that, notwithstanding vigorous efforts renewed at intervals, the British and Mercantile Minority has dwindled to insignificancy, exhibiting in various Sessions of recent Parliaments, the alarming case of the Provincial Administration being supported, in rights and measures absolutely necessary for its beneficial existence, by only three Members, out of the fifty which compose the popular branch of the Legislature. This point gained in the steady march towards complete ascendancy, under the banners of a vicious Constitution, has now apparently enabled the French Canadian Leaders to dictate terms to his Majesty's Representative and to the Colonial Department of the Imperial Government; and if we could suppose the acceptance of those terms, we could have no doubt but the triumphant Majority would speedily contrive the means of making the whole Province contribute to the wealth and permanent power of themselves and their friends. That the Leaders in question flatter themselves

with having a nearer prospect than ever of this consummation we cannot doubt, and that they will not be scrupulous as to the means of obtaining their ends we feel convinced, not only by the history of parties in other countries, but likewise by that review which we have recently taken of the most remarkable steps evincing ambition in the House of Assembly, and which we shall now proceed to bring before our readers, with all due deference to their judgment.

CHAP. II.

A. D. 1792–1794.

The first House of Assembly.—Its composition and the consequences of being formed entirely on the principle of actual population, insuring French Canadian Ascendancy.—Practical inconveniencies of the Act 31 Geo. III. Cap. 31.—The important omission of not prescribing that the Minutes of Proceedings should be in the English language only.—Provident conduct of the Congress of the United States contrasted with this omission.—First Session opened by Lt. Gov. Clarke.—The choice of Mr. Panet as Speaker, though unfit to express himself in the native language of the Sovereign.—Debate upon this choice of a Speaker, with the names of the Members in favor of a Speaker acquainted with both languages.—First Proceedings to recover the Jesuits' Estates, reserved by the Crown.—Decorum preserved in the House and the cause of its moderation.—Reflections arising from the immediate operation of the new Constitution in perpetuating the ascendancy of French laws, language, and characteristics.—The Members chiefly occupied with framing Rules and Regulations for the proceedings of the House.—One Money Bill only passed, to provide for the payment of the Salaries of the Officers of both branches of the Legislature.—Abortive attempt by the Majority to record prefatory Speeches on Motions in the Journals of the House.—Delusion of the Minority as to the effects of the new Constitution.—Second Session opened by Lord Dorchester, the Governor General.—His Speech to both Houses, flattering the popular branch.—The Judicature Bill.—The Militia Bill.—The Bill for regulating Aliens.—The manœuvre of the Majority to delay or defeat the measures proposed by the Executive or Legislative Council, by causing adjournments from want of the ordinary Quorum, being 17 Members.—Reflection on this manœuvre, indicating a gentleness of manner, which was afterwards abandoned.

Our review of the most remarkable steps evincing ambition in the Leaders of the House of Assembly, may conveniently contain brief notices of the most important measures of the Legislature and Government, chronologically arranged; but this will be considered secondary to the main object of enquiry;—for the attainment of which, it will be proper to decide on particular epochs, not entirely confining them to the duration of one Assembly.

The first epoch, however, we wish to comprehend the first House of Assembly, during which the natural operation of the Constitution and the first dawnings of that ambition, which has only recently reached its noontide altitude, are discernable.

The first House of Assembly, summoned by Lieutenant Gov-

ernor Clarke, met on the 17th December, 1792, and was prorogued by him on the 9th May, 1793.

The Representation, as already mentioned, having been entirely regulated on the principle of actual population, the French Canadians, notwithstanding their comparative ignorance of the management of a free government, returned thirty-five Members from among themselves, out of the fifty which composed the whole popular branch, leaving for the English an influential Minority of fifteen, consisting chiefly of respectable merchants and traders, deeply interested in the advancement of the country, and in the developement of its commercial resources.

The inconvenience of the Act 31 Geo. III. cap. 31, containing the same Constitution for two Provinces, widely differing in the origin and disposition of their respective population, was experienced by the Minority before mentioned, at the commencement of this Session. However politic and desirable, the Act in question had not enacted that the minutes of proceedings in the Assembly should be recorded in the native language of the Sovereign;* and, by this negligence, the Members were left without any effectual stimulus to acquire the English language, or to study Precedents of Legislative proceedings, agreeably to the practice of the British Constitution, in their original dress, being tempted on the contrary to trust to translations, on subjects requiring the greatest nicety of discrimination. We do not here allude to translations used merely as a means of acquiring a language, but to that characteristic propensity of establishing French as the text and standard of Canadian Legislation and Legislative proceedings. The Majority, in obedience to this propensity and to the narrow view of personal convenience, obtained the expensive record of the proceedings of the Assembly in the French language; and the uniform tendency of its measures has been to turn English law and politics into French, instead of accommodating the rest of his Majesty's Subjects with translations of French law into English. The Parliament of Great Britain neglected the policy of stimulating the new Subjects to the study of constitutional law in its original sources, while the whole tendency of the Canadian legislation and practice is to force Englishmen to study French, and in no small degree to become Frenchmen, and coalesce with the *Nation Canadienne.* The next circumstance worthy of remark is, that though the Majority of this first and best House of Assembly professed great eagerness to draw constitutional information from English sources, they, nevertheless, did not elect as their Speaker or oracle of constitutional law, an English-

* It is not unworthy of remark here, that an important arrangement of this nature was duly provided for by the Congress of the United States, when, in compliance with their Treaty with France, they admitted the Territory of Louisiana, chiefly inhabited by a French population, into their Confederation. The Act of Congress on the occasion, enacted that all minutes of proceedings in the Senate, Courts and Legislature should be exclusively recorded in the language of the Constitution of the United States, that is to say, in the English language.

man, as they might have done, well versed in both languages, but they chose a French Canadian, who, in the usual ceremonial of induction into office, declared to the Governor *that he could only express himself in the primitive language of his native country.* This practice of choosing a French Canadian as a Speaker, has been uniformly followed; and the verbal communications of the House of Assembly with an English Governor, have always grated his ear with a foreign accent.*

* This affair of the choice of a Speaker of the first House of Assembly is so important, that we shall here give a particular account of its management.

The minority appear to have desired time for deliberation, but the majority had made up their minds on the subject, and with difficulty allowed a delay from the evening of Monday till Tuesday, at 10 o'Clock, A. M.

Mr. Dunière proposed J. A. Panet, Esq., as Speaker, and was seconded by Mr. Debonne, who stated that Mr. Panet possessed a fundamental knowledge of the municipal law of the country, which rendered him peculiarly qualified for the office.

Mr. M'Gill proposed William Grant, Esq., as Speaker;—he said that an essential qualification in the Speaker was a perfect knowledge of the English and French languages, without which in that House, where some Members understood no English, and others spoke no French, the business without the ready instruction of the Speaker, would be continually retarded;—that Mr. Panet's deficiency and Mr. Grant's qualification in this particular were equally well known; that the latter had a knowledge equal to that of any other person in the laws of the country—and from long residence, was well acquainted with its local interests; that his former situation in the service of Government, gave him the knowledge of forms and the habits required for conducting public business; and in fine, taking all Mr. Grant's qualifications together, he considered him the fittest person to be Speaker of the House.

Mr. Dambourges seconded the motion. Mr. Bedard said that Mr. Panet knew enough of the English langnage to conduct the public business.

Mr. Richardson observed that it was not a smattering knowledge of either language that could enable the Speaker to do justice to the House in mutual explanations between Members, in translating motions and other papers, and in communications with his Majesty's Representative—that the transactions between the Speaker and the King's Representative, should be in the language of the Empire, to which we had the happiness to belong, whatever might be the language of debate in that House.

Mr. P. Louis Panet said, "To solve the question, I will ask whether this Colony is, or is not, an English Colony? what is the language of the Sovereign, and of the Legislature from whom we hold the Constitution which assembles us this day? what is the general language of the Empire? what is that of one part of our fellow subjects? what will that of the other and of the whole Province be at a certain epoch? It is my opinion that there is an absolute necessity that the Canadians in course of time adopt the English language, as the only means of dissipating the repugnance and suspicions which the difference of language would keep up between people united by circumstances and necessitated to live together; but in expectation of the accomplishment of this happy change, I think it is but decent that the Speaker, on whom we may fix our choice, be one who can express himself in English when he addresses himself to the Representative of our Sovereign."

In the course of the debate, Mr. Papineau having said that he understood that some objection lay against Mr. Grant's election, and Mr. Debonne adding that a Petition was actually signed by a number of the Electors of the Upper Town of Quebec against his return, Mr. Grant said he had heard of no such Petition—nor

This first Session was further remarkable by a Petition from the County of Quebec, praying the Assembly to use means for placing the property of the late Order of Jesuits at the disposal of the Provincial Legislature, and applying it to its original destination, which was alleged to be the support of colleges and seminaries for the education of the natives of Canada. On this subject, an Address to his Majesty was voted on the 11th of April, 1793, the result of which will be hereafter mentioned. The remains of the old French politeness, and a laudable deference to their fellow subjects kept up decorum in the proceedings of the Majority during this Session; but the natural operation of the new Constitution must already have struck every man of observation, and induced him to anticipate *its tendency to give a complete ascendancy to the French Canadians, their laws, language, and characteristics in the popular branch of the Legislature,* and to encourage in their leaders at a future day, that exclusive ambition which now distinguishes them, and which, if not speedily and effectually checked, will make the whole country tributary to their aggrandisement, and to the support of their families and dependents.

The time of the Members during the first Session had been so much occupied with the preliminaries of legislation, including the adoption of Rules and Regulations for proceedings, that only eight Acts were passed, consisting chiefly of temporary prolongations of previous ordinances

was he aware of any ground of complaint against his election; but if the present allegations should have any weight with the Members, he would, in such case, recommend the attention of the House to Mr. M'Gill, who was master of the languages, and in every respect better qualified than he, or perhaps than any other Member, to fill the office of Speaker.

Mr. Lees then, alluding to a precedent in the House of Commons of Great Britain, moved that Mr. M'Gill be elected Speaker of the House, which being seconded by Mr. Grant, Mr. Walker anticipating an objection to Mr. M'Gill from his being an Executive Councillor, moved that Mr. Jordan be elected Speaker of the House—which motion was carried.

After a long debate and much desultory conversation, the original question was finally put, "That Mr. J. A. Panet be elected Speaker of this House," when there appeared for the question.....28

Against, ...18

Majority for Mr. Panet....10

Mr. Panet was then conducted to the Chair by several Members.

The following are the names of Members who voted against Mr. Panet, and who may be considered to have been in favor of having a Speaker perfectly acquainted with both languages:—

Messrs.	Salaberry,	Messrs.	O'Hara,
"	Dambourges,	"	Walker,
"	P. Louis Panet,	"	Coffin,
"	James M'Gill,	"	Richardson,
"	Grant,	"	Jordan,
"	Frobisher,	"	Todd,
"	Lester,	"	Lynd,
"	Young,	"	Lees,
"	Macnider,	"	Barnes.

of the Governor and Legislative Council, under the Act 14 Geo. III. cap. 83. One Money Bill, however, was passed, 33 Geo. III., cap 8, entitled, "*an Act to establish a Fund for defraying the Salaries of the "Officers of the Legislative Council and Assembly, together with the "contingent expenses thereof,*" which is the more worthy of being mentioned, because the revenue derived therefrom, has been lavishly appropriated to the expenses of the House of Assembly; the alarming encrease of which will hereafter be noticed.

It has been plausibly asserted, that if the habits of business possessed by some of the English Members had not interfered, the absurdity of the experiment of conferring power on the French Canadian Majority would have been shown in a convincing light this first Session; and one little fact tends strongly to support this assertion, namely, that some of the Leaders insisted upon having a long speech, under the disguise of a preface to a motion, recorded in the Journals of the Assembly. This was checked by the minority; and the Government was thus deprived of the means of contemplating a full length picture of the sentiments and designs of the Majority. The cry of the Minority was—"*Let us all put our shoulders to the wheel, and let the English Constitution have a fair trial among Frenchmen.*" Benevolence or vanity in some, expectation of office in others, all the passions combined at the moment to cover the defects of the Constitution; and the Lieutenant Governor in his Speech at the close of the Session, assisted in concealing from the public, the waste of time which had taken place. A reference to our preceding remarks will convince every unprejudiced mind that the Acts 14 Geo. III. cap. 83, and 31, Geo. III. cap. 31, both combining to form the Constitution, are a mere outward semblance of the British Constitution, and that the circumstance of their being founded upon the re-establishment of French laws, and the endowment of the Romish religion, renders the pretended resemblance and analogy to the British Constitution a complete delusion, *so far as Englishmen and their descendants are concerned.*

The first Session of the Assembly had only proceeded on Finance so far as the feeling of self-preservation suggested, by providing a fund for the contingent expenses of the new Legislature; but a new scene was presented to the Members next Session, which was opened by his Excellency the Governor in Chief, Guy Lord Dorchester, with a most gracious speech, peculiarly flattering to the popular branch, in which he intimated that detailed accounts of the Provincial Revenue of the Crown would be laid before them, but that no subsidy would be required, till deliberation during the present Session had enabled them to mature their plans for a financial system, suited to the circumstances of the Province. The establishment of Courts of Justice and of a Militia Law was particularly pressed upon the attention of both branches of the Legislature; and the Addresses in reply were replete with loyalty to the King, and compliment to his Representative.

This Session was remarkable for industry, owing, in some measure, to the prospect of places and salaries, which the Judicature and Militia Bills held forth; and the passage of the Alien Bill, or Act for the better preservation of his Majesty's Government, conferred powers on the Executive which evinced confidence in its moderation.

We shall mention one incident of this Session, rather on account of its giving rise to a favorite manœuvre of the Majority, than on account of its intrinsic importance. A Member, belonging to the Minority, having obtained leave of absence, and being about to quit the Province, was arrested on an action of debt, which alleged breach of Parliamentary privilege gave rise to warm and long debates, conducted with much ability. The Speaker himself, in his capacity of Advocate, had sued out the writ, and was naturally unwilling to acknowledge any offence by having thus acted; while, on the other hand, several of his usual supporters so highly valued the privilege claimed, of freedom from arrest, that he was finally obliged to succumb and make an apology to the House. This affair had been before the House from the 27th November till the 2d January; and its decision had been protracted by the manœuvre of Members absenting themselves without leave, and obliging the House to adjourn for want of a quorum. A call of the House for the 20th January at length brought the busines to issue, and a Resolve was passed making reference to the practice of the Commons of Great Britain, and declaring the persons of Members free from arrest, by civil process. The individuals concerned in the arrest were voted guilty of a breach of privilege, and forced to make submission and apology at the bar of the House. This occasion gave rise to another Resolve, namely, "*That "in all unprovided cases, resort shall be had to the rules, usages, and "forms of the Parliament of Great Britain, which shall be followed "until the House shall think fit to make a rule or rules applicable to "such unprovided cases.*"

From the means before mentioned employed to defeat, or at least delay, the question of privileges, we perceive that the French Canadians were as yet only prepared to assert their supremacy, *suaviter in modo*, and this manœuvre of producing an adjournment for want of a quorum, was the favorite defensive measure till the majority completely threw off the mask during the administration of Sir James Craig; when the proposal of paying the Civil List was urged upon his Majesty's Government, and the prospect of binding and controling the Provincial Executive in all cases whatsoever dazzled the views of the lawyers and notaries, and other native leaders of the "*Nation Canadienne.*"

This second Session of the first House of Assembly was closed with a very complimentary speech by Lord Dorchester, on the 31st May, 1794; and six Bills were passed, of which one, the Judicature Bill, was reserved for the signification of his Majesty's pleasure, and only became a law the 11th of December, 1794.

CHAP. III.

A. D. 1795 & 1796.

Third Session opened by Lord Dorchester, who in his Speech to both Houses calls the Provincial Legislature by the new name of PROVINCIAL PARLIAMENT.—*His Messages, recommending the well ordering of the Finances.—Abortive attempt to modify the Feudal Tenure of Lands. Hostility of the Majority to such modification accounted for, and the future plans for the extension of that tenure involving an extension of French Laws to the new Settlements.—Unanimity of this House in a permanent Act of Supply.—The hostility of later Assemblies to permanent Acts ascribed to ambition.—Influence of the Minority.—Arrangement with Upper Canada, for the division of the product of Custom Duties.—Police Regulations connected with the powers conferred upon the Executive by Acts imposing Duties on Licenses.—Act for the Inspection of Pot and Pearl Ashes.—Act for the Registration of Marriages, &c.—Quarantine Act.—Contrast between the general conduct of this first House of Assembly, and its more recent Successors.—Closing Speech of Lord Dorchester, with reflections upon his vain and sanguine expectations of the benefits of the new Constitution.—Primary and permanent causes, frustrating those expectations with respect to the subjects of British origin.—Fourth Session, rendered important by events during the recess, producing a more extensive exercise of the legislative and controling powers of the popular branch.—Opened by Lord Dorchester, who applies to the Provincial Parliament for an Act of Indemnity on account of the Embargo.—This Act passed with modifications, showing the influence of the Minority.—Some good effects of the scarcity which rendered the Embargo necessary.—The Road Bill, and the difficulties with which it had to struggle in the House of Assembly.—This salutary measure becomes a law by the united influence of the Executive and Legislative Council.—Resistance to the principle of this law ascribed to the habits of the great majority of the elective body, and existing in nearly equal force at the present day.—The bad winter roads, caused by the form and tackling of the Canadian train.—Abortive attempts on the part of the Legislative Council, and the Minority of the House of Assembly to obtain a Bankrupt Law.—The desire of the French Canadian Majority to introduce the Code Marchand of France.—The Consolidation Act, its effects and consequences.—The wise policy of his Majesty's Imperial Government in leaving it dormant.—The temper of the Legislature in making this Act permanent, contrasted with that of future Assemblies.—Some other Acts of this Session, and the projects of a Canal and Turnpike Road from Montreal to La Chine.—End of the first Provincial Parliament of Lower Canada, and of Lord Dorchester's Administration.*

In proceeding to trace the progress of the ambition of the Leaders of the late Houses of Assembly, we shall have occasion to notice the abortive efforts of the British and commercial minority to obtain some modifications of the old French law, so far as regarded the feudal tenure of lands and its peculiar burthens, by which the natural effects of trade in the encrease of buildings and improvement of the soil, were materially checked. The tenacity evinced by the French Canadian Leaders on this point during the Session, of which we are about to treat, proves that they consideed it a most important means of securing the monopoly of power to themselves, and to the "Nation Canadienne;"—it was reserved, however, for their more bold successors to attempt, at a future day, in the administration of Lord Dalhousie,* to overturn the English, and extend the feudal tenure, with its anti-commercial burthens and old French laws, to every part of Lower Canada, in defiance of the letter and spirit of British Legislation.

The third Session of what, for the first time, was this year called, by Lord Dorchester, the Provincial Parliament, was opened by his Lordship with a most gracious Speech, 5th January, 1795, followed up by a variety of Messages recommending the well ordering of the Finances and Police of the Country.

The extensive influence of the French revolutionary principles during the previous year, had alarmed all who had a large stake in the Country—and an Association entered into for the support of his Majesty's Government had, for the moment, united all men of property and mitigated party spirit. This Session, therefore, was considered a propitious season by the English Seigneurs and other Proprietors, for obtaining some modifications of the feudal tenure; and they were so sanguine of eventual success, that they had made private agreements with new Settlers from the United States, for the commutation of all the burthens except *cens et rentes*, resolving the whole into a moderate and immutable ground rent. The efforts of an influential Minority, after much debate and delay, at length prevailed on the House of Assembly to go into committee, 2d March, "*to consider the laws, customs, and usages in force in this Province, relative to the tenure of lands, and the rights derived therefrom.*" On this occasion, the Chairman, as a matter of form, reported progress, and obtained leave to sit again; but it soon appeared that the Majority would not consent to make the slightest sacrifices to what they called the cupidity of English Landholders, and the prejudices of American Settlers; by a sort of compromise, the affair was allowed to pass into oblivion, and no report on the subject was ever made. The proposed enquiry into the feudal tenure was perfectly consistent with the views of the

* The frequent change of Governors in this Province, has afforded opportunities to the French Canadian Majority to revive ambitious projects repeatedly defeated; and it is worthy of remark, that in the second year of every new administration, after a careful study of the Governor's character, a suitable selection of claims incompatible with the prerogatives of the Crown and with the existence of British ascendancy are brought forward.

British Government, and with those of Lord Dorchester, who had, many years before this Session of the new Legislature, recommended the subject; so that the present failure was considered decisive; and the House of Assembly was not troubled with any farther measures of innovation, during his Lordship's administration.

But a difference of opinion on one or more points was not yet considered sufficient to prevent the most decisive measures for the pecuniary support of the Civil Government within the Province. The vote for a Supply to his Majesty was unanimous, and the appropriation was made permanent, as were the Duties of Customs imposed this Session. This Supply amounting to Five Thousand Pounds Sterling, added to the produce of the duties imposed by the Imperial Parliament, previously to the Act of 18 Geo. III. cap. 12, and the casual and territorial revenue of the Crown, granted by his Majesty for the use of the Province, have recently been the only means of preventing the dissolution of the Government, in consequence of the unconstitutional conditions of the Bills of Appropriation passed by the House of Assembly, and generally rejected by the Legislative Council; whose conduct has been uniformly approved of by every Governor and Administrator since the beginning of the financial disputes.

The influence of the commercial minority was displayed this Session, in obtaining the approval of the House of Assembly to an important arrangement, made by Commissioners appointed the previous Session by the respective Legislatures, for partitioning the new Custom Duties levied at the port of Quebec, between the Provinces of Lower and Upper Canada. At that period of comparatively good feeling, it required no high handed interference on the part of the British Parliament, to obtain for Upper Canada a just compensation for depriving itself of the natural right of imposing duties on goods legally imported into Lower Cannda, and passing into Upper Canada. By this first agreement, the Upper Province was allowed one eighth part of the net produce of the Custom Duties already imposed, or to be imposed, by the Legislature of Lower Canada, on imported goods.

The expectations entertained by the country at large, of deriving advantage from the labours of the Legislature, were evinced this Session, by the confidence with which all classes applied for the redress of grievances, and for the enactment of laws for the benefit of trade. The purpose of combining revenue with the salutary regulation of certain occupations, was effected by an Act granting additional duties on Licenses, by which the conduct of the persons licensed was subjected to the controul of the proper authorities; and many abuses which had become prevalent in houses of public entertainment, post houses, and liquor shops, were thus checked for some years, till party spirit increased and interfered with the impartial execution of the law.

The improvement of the manufacture of Pot and Pearl Ashes, was much advanced by the Act of this Session, appointing Inspectors of

that important article of Canadian export, and making various enactments for the enhancement of its character in the British market. By another Act this same Session, Pot and Pearl Ashes were allowed to be imported, free of duty, from the United States; and a foundation was thus laid for the extensive and beneficial intercourse, which afterwards took place under the commercial treaty between Great Britain and the United States of America, which was ratified and became a law to both powers and to their dependencies, in the course of the year 1795.

During this Session, the important Act for the regulation of Registers of Baptisms, Marriages and Burials was passed; and this law, together with the establishment of a Quarantine, for the preservation of the country from the introduction of pestilential diseases, evinced the solicitude of the Legislature for the domestic peace, morals and health of the people.

It is worthy of remark, *as forming a complete contrast with recent conduct*, that, of the eleven Acts sanctioned at the end of this Session, all were permanent Acts except the one for the regulation of Aliens. The behaviour of the Majority was, in general, decorous, and particularly respectful to his Majesty's Representative, whose messages were received with thanks, and promptly taken into consideration. No visible interference took place with the King's prerogative of appointing his officers, and paying them according to his judgment of their services; and if any one, pretending to the spirit of prophecy, had said that the French Canadian Leaders of the rising generation would bring their constituents into direct collision with the Imperial Parliament on pecuniary affairs, his prophecy would have been treated with scorn, and his person spurned from all decent society.

This Session was closed on the 7th of May, after a Speech from Lord Dorchester, replete with approbation of the measures and conduct of both Houses. It is, indeed, too probable that his Lordship, prepossessed in favour of the French Canadians, participating also in the delusion common to Englishmen, as to the magical effect of the British Constitution in surmounting all difficulties—entertained the fallacious hope, that the semblance of that Constitution, under the uncontrolled and sinister influence of French laws and insulating prejudices, might, nevertheless, secure the welfare of his Majesty's Subjects of English origin, and uphold the ascendancy of British principles and power throughout the extensive Province of Lower Canada.

The period of the third recess of this first Provincial Parliament, had been unusually eventful, rendering the measures of this last Session extremely interesting to the student of the Constitutional History of Lower Canada. New opportunities were afforded for developing the disposition of the Majority, and showing the control which the popular branch endeavoured to establish over every department of the civil service.

The Majority continued their ambitious career, but acted with gen-

tleness and decency, using the expedient before mentioned, of producing adjournments for want of a quorum, and thus succeeding in delaying measures of improvement, obnoxious to the prejudices and apathy of the great body of their constituents.

This Session, which was opened by Lord Dorchester, 20th November, 1795, is distinguished as furnishing the first instance, under the Constitution, of an Act of Indemnity required by the Executive for an exercise of power during the recess; and this sanction was sued for, and obtained, in strict accordance with the practice of the British Ministry in similar cases.

In consequence of the failure of the crops of grain, first in the United Kingdom, in the autumn of the year 1794, and next in Lower Canada, in that of 1795, the Governor in Council, proclaimed an embargo 18th May, prohibiting the export of wheat, flour and pease, except to Great Britain and her dependencies; and again, on the 10th of September, wholly prohibiting, till the 10th of December, the export of wheat and other grain, wheaten flour and biscuit. For this last general embargo only, the necessity of obtaining an Act of Indemnity was acknowledged; and the Bill for that purpose was introduced, and passed with a promptitude and unanimity which did honour to the House of Assembly. This Act, modified at the instance of the commercial minority, continued the embargo till 1st September, 1796, with the proviso, that those articles might be exported to Upper Canada, the trading posts in the Indian country, and his Majesty's garrisons on the frontiers. The third section of this Act allowed the importation of the flour of wheat and other grain from the United States, by the way of Lake Champlain, and the River Richelieu, or Sorel; but it was not deemed expedient to appropriate any part of the public monies to relieve the distresses occasioned by the existing scarcity, which was left to be mitigated by the exertions of private benevolence, and by the adoption of potatoes, as an important auxiliary to the subsistence of the peasantry.

Embargo on exports of Grain

a Scarcity

The measure, however, which excited the most discussion this Session, and which is rendered memorable by the open expression of discontent, and the manifestation of a disposition, in the French Canadians under some native Leaders, to resist the execution of the laws, was the Road Act, which, in a variety of ways, disturbed the routine and habits of the peasantry. This law, so interesting to the trade and inland communication of the country, laying a moderate contribution of time or money upon the people, for the improvement of their property, was, nevertheless, deprecated by some in the House of Assembly, as a precedent for direct taxes of dangerous tendency. Every means, short of open violence, were used by the Members, most closely connected in prejudice and interest with the ignorant Cultivators, to defeat, or at least, delay the measure. The established quorum, reduced to seventeen Members, could seldom be obtained for the discussion of this Bill; and, if the Executive, from views of the public service, had not decidedly patronised the measure, it must have fallen

to the ground.* The principal opponents, apparently intimidated, were absent on the final decision: they were those who now, with their descendants, are the most distinguished in resisting every innovation in the peculiarities of their countrymen, and to whom we owe all the incalculable inconveniences of bad winter roads, caused by the vicious construction of the common train or cariole. The opponents of the Road Act, in short, were the men whose spirit induces the present Majority to fortify their constituents in prejudices, which obstruct the improvement of the country, consoling themselves apparently for their own share of privations, with the contemplation of the sufferings of Intruders, as they now denominate the inhabitants of British origin, who have chiefly drawn forth, under every discouragement, the resources of the country.

Leaving these peculiarities of the "*Nation Canadienne*" to be collected at a future day, *to excite the scepticism of the Antiquarians of the twentieth century*, we proceed to notice the progress of other measures, preferring, however, such as display, in striking colours, the disposition of the Majority of the first and least formidable House of Assembly. The zeal and influence of the British and commercial minority, were signalised in both Houses, but many of their projected laws miscarried, through the jealousy of the Majority. An essay, for instance, towards a Bankrupt Law, was made in the Legislative Council, which body passed, and sent down for concurrence, 4th March, a Bill, entitled, "*An Act for more effectually securing, and for equally distributing among creditors, the estate and effects of persons failing in trade.*"

Bankrupt Law

This Bill, being much required by the state and trade of the country, was very politely received by the Majority; but, in the course of the month, while going through the usual stages, some of the Members, learned in the French law, represented that the law of the country formerly comprised certain parts of the Code Marchand of Louis XIV., which, if properly revived, would prevent the necessity of introducing the technicalities of the Bankrupt Law of England; that *the cessions de biens, cessio bonorum*, which compelled the debtor to give up all his effects for the benefit of his creditors, stipulating for personal freedom only without a discharge, would suit every purpose of justice or mercy, and that it was preposterous to throw behind their backs the natural law of the country, as restored in the year 1774, for the mere gratification of the partialities of a few individuals. The

* As much party spirit was called forth in the House and in the Country by this Bill, affecting, in no small degree, the election of Members for the next Assembly; —we shall subjoin the Yeas and Nays;—on the 31st of March, Mr. Taschereau, seconded by Mr. Frobisher, moved that the Bill do pass; whereupon, the House divided upon the question, and the names were taken down as follows:—YEAS, Messrs. Marcoux, O'Hara, Todd, Frobisher, Lynd, Duchesnay, Taschereau, Grant, Young, Barnes, Lester, Lees and Richardson.

NAYS, Messrs. J. A. Panet, (formerly Speaker,) De Rocheblave, Boudreau, and Berthelot.

Bill struggled through this opposition till it was actually committed on the 7th April; but no progress was made, and Mr. Young, seconded by Mr. Richardson, having moved a recommitment for the 11th April, Mr. J. A. Panet, seconded by Mr. Grant, moved in amendment, that the recommitment should be postponed to 5th September next; this amendment was carried, and the Bill consequently lost, by the casting vote of the Speaker.* This result created great disappointment on the part of the framers of the Bill, who had formed the most sanguine expectations of its success.

Among the measures, supported by both sides of the House, was a Bill (introduced in the spirit of the Governor's recommendation to simplify the Finances of the Province) for the purpose of consolidating into one Act, and appropriating to the support of the Administration of Justice and of his Majesty's Civil Government, the Duties levied under the British Act of Parliament, 14 Geo. III. cap. 88, and the Provincial Acts, 33 Geo. III. cap. 8, and the 35th Geo. III. cap. 9. The course of events, and the rising ambition of the House of Assembly, have proved that this arrangement, obliterating every trace of the power of taxation on the part of the British Parliament, *for the purposes of internal revenue,* would have been more convenient than politic; and we have, therefore, reason to congratulate the friends of the British connection, that this measure, repeatedly carried to the foot of the throne, has not yet become a law; and that his Majesty's Ministers have been too well advised of the tendencies of provincial intrigue and ambition, to suffer the support of his Majesty's civil establishment in Lower Canada, to depend entirely upon the will of the local Legislature. The British Act, 18 Geo. III. cap. 12, is merely prospective, restricting the Imperial Parliament from imposing new taxes on the Colonies, for the purpose of revenue; and by no subtlety of construction can it be made to interfere with the product and appropriation of the long previous Act, 14 Geo. III. cap. 88. The truth is, that the essence of every Colonial Government and connection is subordination to the Government of the Empire; and that every cavil against this impost and its accustomed application, is merely symptomatic of the natural desire of all Colonies and Conquests to approximate to independence, and which in North America has, in a very important instance, been prematurely obtained. It is, however, just to remark, that the substitute offered to his Majesty's Government, by this first House of Assembly, for the Act before mentioned, was a *permanent law,* and that the French Canadian Majority had not yet dared to propose that the support of the Provincial Government should depend, like the Mutiny Bill of England, upon an annual vote and appropriation.

* This contest on the subject of English and French Commercial Law, is so interesting, that we shall give the names of the voters on the question. For the amendment, and consequently against the Bill: the Speaker, (Lanaudière,) J. A. Panet, Grant, De Rocheblave, Boudreau, Bedard, Berthelot, Dunière and De Salaberry. Against the amendment, and for the Bill: Messrs. Lynd, Lees, Lester, Young, Richardson, O'Hara, Todd and Macnider.

The present was such a busy Session, for those Members who had not absented themselves for electioneering and other purposes, that we must pass lightly over the great variety of projects and proceedings, which was brought forward by their zeal for the public service. Among the Bills which became laws, and of great benefit to the country, beside those already mentioned, were—

1. An Act for the greater security of this Province, by the better regulation of the Militia thereof, passed in consequence of the special recommendation of the Governor in Chief.

2. An Act for the safe Custody and Registration of all Letters Patent, whereby any grant of the waste or other Lands of the Crown, lying within this Province, shall hereafter be made.

3. An Act for better regulating the weights and rates at which certain Coins shall pass current in this Province, and for preventing the falsifying, impairing, or counterfeiting the same.

Among the projects, showing a laudable desire to promote improvement, and which, though at the time pronounced premature, were eventually admitted, with suitable modifications, into the Statutes of the Province, we ought to mention a Bill for encouraging the cutting of a Canal from Montreal to Lachine, and a Bill for making a Turnpike Road on a different route from Montreal to Lachine; both which were introduced by the same patriotic and indefatigable individual, who, in the administration of Lord Dalhousie, has had the satisfaction of seeing the Canal completed, and becoming annually more useful to the trade of both Provinces, under his superintendance as first commissioner.

This eventful Session, being the fourth and last of the first Provincial Parliament, was closed on the 4th May, 1796, with a Speech from Lord Dorchester, in which his Lordship held forth the example of the present Parliament as worthy of the imitation of all future Legislatures of Lower Canada. An extraordinary extent of unfinished business, chiefly connected with the police of the country, was left for the next Parliament; the formation of which, appears at an early part of the Session to have occupied the thoughts of the French Canadian Majority, to the exclusion of the regular performance of their legislative duties.

CHAP. IV.

A. D. 1797–1798.

Second Provincial Parliament.—The second House of Assembly more democratic and hostile to improvement than the first.—Mr. Panet re-elected Speaker.—General Prescott's Administration energetic and favorable to British Colonisation.—New arrangement for the division of Revenue with Upper Canada.—Defects of this arrangement.—Attempt of the Majority to alter the Road Act.—This attempt defeated by the energy of the Government, and by the support of men of property, alarmed at the riotous proceedings of the Peasantry.—French Emissaries fomenting discontent in the Province.—The Governor's Proclamation denouncing them.—Temporary Act for the better preservation of his Majesty's Government.—End of the first Session.—Note on the Commercial Treaty between Great Britain and the United States, as affecting the Trade of Lower Canada.—Second Session.—Preliminary observations on the bad conduct of the Land Granting Department.—Measures of the Governor to obtain redress for the injured Settlers.—Royal Instructions for the equitable arrangement of their claims and pretensions.—Intrigues of the Members of the Land Board, who obtain the support of Chief Justice Osgoode.—Consequent resistance of the Executive Council to the publication of the Royal Instructions.—These disputes weaken the Government and encourage the ambition of the French Canadian Majority in the House of Assembly.—Digression on the pernicious effects of lavish grants of Lands in Free and Common Soccage, causing a reaction in favor of the Feudal Tenure.—Governor's Speech at the opening of the second Session, and his warm recommendation of the interests of Upper Canada.—Improving conduct of the Minority.—Rising jealousy between the House of Assembly and the Legislative Council.—The Majority of the House of Assembly begins to show the characteristic hostility of its successors to permanent Acts.—Much debating and loss of time in the House of Assembly.—Reciprocal communication of Statutes between the popular branches of the Legislatures of Lower and Upper Canada.—End of the second Session.

The election of Members for the second House of Assembly was influenced by the discontents of the Peasantry on account of the Road Act, by the alarms of the Notaries and Lawyers, arising from the attempt to introduce the English Commercial Law, in the Bankrupt Bill, and the vaulting ambition of several young men, who, in studying the Constitution, had perceived the extent of power conferred on the great mass of the population, and expected to profit by flattering their prejudices. Some of the successful Candidates indeed were political fanatics, fired by the perusal of the doctrines of the French Republicans, and of their supporters in the United States, being affected by

such reading in the same manner as the famous Don Quixote, who, by reading romances of chivalry, was led to devote his life to the redress of all imaginable grievances. The Majority of this House of Assembly, though it contained only eight Members of the first House, preserved and extended in its practice the principle of guarding, with jealousy, that monopoly of power conferred by the Acts, 14 Geo. III. cap. 83, and 31 Geo. III. cap. 31, on French Canadians of the Romish religion, who alone might be said to be represented in the popular branch of the Legislature of Lower Canada. It is true that fourteen Members of British origin were returned, and that the Executive had the Crown Lawyers and a few other officers belonging to the civil department in this House; but it was soon evident that the influence of this Minority was much inferior to that of the first House of Assembly, and that the commercial interest had been materially weakened by the retirement of some zealous and indefatigable Members. Meantime, Lord Dorchester, the Governor in Chief, had left the Province; and his absence was soon particularly felt, in the want of that deference, to the views of the Executive, which a long and successful military and civil career had inspired in the minds of the elders of the community.

The second House of Assembly having been organized by the re-election of Mr. J. A. Panet as Speaker, the first Session of this Provincial Parliament was opened by the Lieutenant Governor, General Robert Prescott, 25th January, 1797, in a speech addressed as usual to both Houses, replete with business, but devoid of complimentary matter, conformably to the frank and military character of his Excellency. The Addresses of both Houses on this occasion were nearly echoes to the Speech; and the House of Assembly having expressed gratitude to his Majesty for the appointment of such a distinguished officer to the government of the Province in the absence of Lord Dorchester, the compliment was acknowledged in the answer of his Excellency.

The topics of the Lieutenant Governor's Speech were deliberated upon, and committees appointed for their examination, and the first being the Order of the Governor in Council, for the regulation of Trade between Lower Canada and the United States, under the late Commercial Treaty,* a Bill was speedily passed, continuing the Act which

* The third article of this Treaty stipulated in one part to the following effect:—That all merchandise that could be lawfully imported into his Majesty's territories in North America, might, for the purposes of commerce, be carried into the same by land and inland navigation, by the citizens of the United States, and that such merchandise should be subject to no higher or other duties than would be payable by his Majesty's subjects on the importation of the same from Europe into the said territories; and that, in like manner, all merchandise that could be lawfully imported into the United States, might freely be carried into the same as aforesaid, by his Majesty's subjects, and such merchandise should be subject to no higher duties than would be payable by the citizens of the United States on the importation of the same in American vessels into the Atlantic ports of the United States, and the same principle was reciprocally applied to exports on either side. When this principle of apparent reciprocity came into practice, it was found to operate almost exclusively in favor of the

had authorised the framing and promulgation of that Order as the law of the land, till the 1st January, 1798, and from thence to the end of the then next Session of the Provincial Parliament. This Bill which displayed much confidence in the administration of Lord Dorchester, was in some measure connected with a Bill for ratifying a provisional agreement for ascertaining the allowance of drawbacks to the government of Upper Canada, for the amount of all duties levied on imported goods at the port of Quebec, which should afterwards be exported to that Province by the route of Coteau-du-Lac, from which drawbacks were to be deducted, the duties payable in Lower Canada, on all such goods from the United States as might be imported in the first instance into Upper Canada, and thence re-exported to Lower Canada by the route before mentioned. For this purpose, an Inspector was appointed by the concurrence of both Governments, and responsible to each, with extensive powers for the execution of his office. This arrangement substituted for the previous agreement of allowing to Upper Canada one eighth of the net produce of all duties of Customs, levied under Acts of the Provincial Parliament of Lower Canada, at the port of Quebec, did not afford correct information, nor obtain a just division for either party. It originated in jealousy, and the disagreements to which it led, were so much aggravated by the pertinacious conduct and insulating prejudices of the Majority of the House of Assembly of this Province, that during the administration of Lord Dalhousie, the Imperial Parliament interfered, as will in due season be described, re-establishing the principle of awarding a quota to Upper Canada by a mode of examination and arbitration, which, under many disadvantages to Lower-Canada, will probably continue so long as party prejudice and ambition shall be permitted to prevent the just and necessary measure of re-uniting those Provinces under one Legislature.

Returning to the proceedings of the first Session of the second House of Assembly, we find a part of the Majority clamorous for alterations in the Road Act, having pledged themselves to their constituents, to use every effort for its modification, to suit the stagnant habits of the peasantry, whose ideas on such subjects, had been long obsolete in all commercial and civilised countries, and were more parcularly contrary to those of the Settlers in Upper Canada, and in the neighbouring States of America. The Executive and Commercial Minority, however, had sufficient influence to delay this retrograde movement, having derived much strength for this purpose, from the violent and seditious resistance to the law exhibited by some ignorant cultivators, who were so far misled by demagogues, as to endeavour to prevent the supply of the public markets with the necessaries of

commerce of the United States, whose enterprising inland traders brought into competition with the goods imported into Quebec by the British merchants, vast quantities of East India cottons, teas, silks, and in short the merchandise of the whole world.

life: thus more particularly alarming the citizens of Montreal and Quebec, and strengthening the hands of an intelligent and enterprising Governor.*

The course of previous events had also so much alarmed all men of capital and large landholders within the Province, that additional powers were accorded to the Executive for the support of his Majesty's Government and the preservation of social order. The extension of the revolutionary principles of France, by means of the press, being found difficult among the unlettered peasantry of Canada, Emissaries were employed to spread the contagion by oral communication: renegade adventurers in the pay of the French Minister Adet, near the Government of the United States, were made known to the Provincial Executive; and a Proclamation, dated the 30th October, had been published by order of Lieutenant Governor Prescott, denouncing the practices of those Emissaries; and in the most energetic manner, calling upon all Magistrates, Captains of Militia, and others, his Majesty's good subjects, to apprehend all such disturbers of the peace and tranquility of the country. This subject had been also presented to the deliberation of the Legislature at the commencement of the Session; and such alarming information was afterwards communicated to the House of Assembly, by the Crown Lawyers, that the attention of the new Majority was turned, in a great degree, from petty and imaginary grievances, to the means of displaying that loyalty to the King, which was so necessary to promote their ulterior views of ambition. This Session, therefore, is distinguished by the extension of the Alien Act, to the end of the war, then existing between Great Britain and France, and by a still more formidable law, extending to the 1st May, 1798, and entitled, "An Act for the better preservation "of his Majesty's Government, as by law happily established in this "Province." By this Act, which was renewed from year to year, till the year 1812, the Provincial law of Habeas Corpus could be suspended at the discretion of the Executive; and saving the privileges of the Provincial Parliament, all persons imprisoned by warrant, signed by three Executive Councillors, for treason, treasonable practices, or suspicion of the same, might be detained during the period before-mentioned, without *bail or mainprise.*

Habeas Corpus

Having thus provided, effectually, for the public peace, the remainder of the Session was occupied with the discussion of various plans connected with the local establishments for the administration of Justice, the amelioration of the Police, and the introduction of Education

* This plan of *starving* the cities, had been adopted with more success some years before, when the Governor and the Legislative Council having made an ordinance prescribing under a slight penalty, a small alteration in the form of the Canadian train or cariole, the supply of provisions was attempted to be cut off. This riotous and almost treasonable proceeding, instead of exciting the energy required to support the dignity of the Government, had the humiliating effect of intimidating it to a speedy repeal of a most valuable measure; and this instance of submission had, no doubt, been successfully quoted by the agitators of the Habitans in the year 1796.

throughout the Province ; but nothing beyond resolves and addresses took place on those subjects till the following Session. The closing speech of General Prescott, who had recently been appointed Governor General, was pronounced, on the 2d of May, conveying his favourable opinion of the measures and disposition of both Houses, and stating such information of the late naval successes of Great Britain, as showed that he, for the moment, supposed that the Members identified their interests with those of the United Kingdom, and would readily participate in the good or bad fortune which might attend her enterprises against her formidable foes.

In tracing the progress of the ambition of the French Canadian Leaders of the late Houses of Assembly, we now approach a period when their views were in no small degree promoted by the bad conduct of a part of his Majesty's Council, called the Land Board. This was a Committee of that body, specially charged with the management of those portions of the Waste Lands of the Crown, which, by Instructions from his Majesty's Government, dated the 16th September, 1791, were to be granted with the combined views of more speedily settling the country, providing for the maintenance of a Protestant Clergy, and restoring to his Majesty's allegiance, many individuals, whose intentions of quitting the old Colonies after the Revolution, had been hitherto prevented, by a variety of discouragements, from taking effect. To promote these combined views of the Government, it would, to a disinterested person, have seemed expedient and necessary—1st, to choose a tenure of lands suited to the character and habits of the expected Settlers. 2d. If, as forcibly suggested by such character and habits, the tenure chosen should be the English tenure of Free and Common Soccage, then the emancipation of those Settlers, or, at the least, their lands, from the rules of the French law, and placing them under English law, would alone be consistent and beneficial. 3d. Every means should have been devised, including publicity of proceedings, to prevent large quantities of lands from being monopolised by a few individuals; and, for this purpose, the exaction, with vigilance, if not with rigour, of the performance of settlement duties was essentially necessary. 4th. To have appointed, as Members of this Board, persons adequately compensated by salaries, and free from suspicion of land-jobbing propensities, and to have subjected their conduct to frequent examination. 5th. To have placed at the disposal of this Land Board, under proper regulation, the pecuniary means of opening roads of communication from the proposed settlements to the great river St. Lawrence, in the direction of Montreal, Three-Rivers, and Quebec. 6th. To have made an experiment on a moderate scale, and on a spot advantageously situated, whence, as from a centre, new lines of settlement might have been extended. 7th. To have scrupulously avoided any such mode of locating reserves in behalf of the Clergy or of the Crown, as could interfere with the efforts of the Settlers to improve their properties and keep up an easy communication. 8th. Above all, to have supported the reputation of

the British Government for good faith and wisdom, by the strictest performance of all promises of encouragement and protection to Settlers leaving their native country, and resorting with their families to his Majesty's allegiance.

Suffice it at present to say, that the Land Board utterly failed in most of those particulars, disgracing the local administration, and preventing, for interested purposes, the fulfilment of the gracious intentions of his Majesty to encourage the settlement of the Waste Lands of the Crown, with a well selected and educated population of British origin. It is not too much to say that the Eastern Townships of Lower Canada, so early as the year 1798, by this nefarious conduct, were deprived of the accession of thousands of Emigrants from the United States, skilled in Agriculture, and in all the arts connected with clearing and improving a new country. Those of the Emigrants who, relying on the terms of the invitation, had laid out all that they possessed or could borrow in making clearances and settlements, remained in penury; and about this period, had succeeded in exciting the benevolence of Governor Prescott, who was seconded in his investigation of the conduct of the Land Board, by a patriotic and faithful Secretary; and in the first year of his administration, he convinced his Majesty's Government that the system hitherto pursued in the Land Granting Department, was equally derogatory to the honour and to the interest of the Empire, and producing neither respectability, strength, nor revenue to the Province. But it is in the nature of every system, good or bad, of some standing, to accumulate the means of at least temporary support; and it cannot be speedily and effectually overthrown, without powerful and judicious efforts. In the present instance, it fatally occurred that the remedy could, in the first instance, only be applied by a compromising choice of the evils introduced into the settlements, by the vicious system and conduct of the Land Board. Their bad faith had driven away most of the respectable Settlers; and their culpable neglect had admitted many intruders, whose only right was possession, and a kind of equitable claim of compensation for their labour and cultivation. The difficulty of devising an alleviation of these evils, was fully appreciated by his Excellency, who, actuated by the most benevolent and extensive views, transmitted a full and fair representation of the cases of all the classes of claimants to his Majesty's Government; and in the year 1798, ample and liberal instructions to meet the emergency arrived. These instructions partly untied, and partly cut the gordian knot of difficulties; and were most remarkable in evincing the greatest anxiety, not only to redeem the pledged faith of Government, but even to enter into amicable arrangements for those pretensions of rights, which the culpable neglect or connivance of the Land Board had given rise to. The representations of the conduct of the Land Board producing those instructions, do not appear to have been known, and the persons implicated, were almost taken by surprise; but they had time to make some preparations for defence, which accidental circumstances rendered more effec-

tual than could have been expected. The matter of the Instructions afforded less hope of resistance, than the manner in which they had been obtained. The whole Executive Council had not been apprised of the nature of his Excellency's communications with his Majesty's Government on the Land Granting System; and so late as the 17th of April, 1797, nothing farther had been intimated, than that Government contemplated to raise, by the disposal of the Waste Lands in future, a fund, to be applied towards defraying the expenses of the Provincial Government. The judicious silence of the Governor, so necessary at that peculiar crisis to prevent the influence of Provincial intrigue upon the Colonial Department, was industriously represented by those Members who were implicated in the malversations in question, as evincing a want of respect towards the Executive Council; and the pride of Chief Justice Osgoode, the Chairman, at once, and his prejudices aftewards, were enlisted against his Excellency. Under such pernicious influence, the Council declared against the publication of the Instructions; and on this point, to the great injury of British interests and principles in Lower Canada, an open breach took place between Governor Prescott and the Chief Justice, causing the return of both to England, leaving the claims of the most deserving Settlers at the mercy of a Junta, who had conspired their ruin.

It is not well ascertained whether the Majority of the House of Assembly took an active part in these secret intrigues; but it is certain that some years afterwards when the monopolising land jobbers had been countenanced by the Provincial Government, in driving out great numbers of Settlers whose pretensions of right were equitably considered in the Instructions referred to, the House of Assembly gave way to their rooted hostility and prejudice against those unfortunate intruders, and congratulated the Executive and the Country on the extermination of men who had been goaded into resistance by the most unfeeling conduct of those, who, without the intention or even the means of performing the settlement duties, had prevailed on successive Admistrations to give them grants exceeding a million of acres.* That

* The settlement duties now very generally enforced by the Government of Upper Canada, and a failure in the execution of which leads to forfeiture are, to clear and fence five acres on every hundred acres granted, to build a house not less than 16 feet by 20; and to clear one half of the road in front of each lot; an allowance for road, independent of the full quota granted, being left by the Surveyor, *in every instance*, so that no lot is without a public highway. These settlement duties may be valued at six pounds per hundred acres; and if they had been rigidly enforced in Lower Canada, we should never have heard of the crying abuses above mentioned; nor would the majority of the Executive Council of that time, who approved of the conduct of their colleagues of the Land Board, have received six Townships. On this important subject, it may be permitted to anticipate a little, and here give our readers the information presented to the House of Assembly in the year 1824, by the Surveyor General, who thus stated the division of the spoil.

To 6 Executive Councillors, 5 Legislative Councillors, 1 Law Office for the Crown, and 7 Civil Officers of the Crown, one hundred and ninety-five

the Majority of the House of Assembly, representing in fact the occupiers of land under the feudal tenure, should look on with complacency while the ruin of the Settlements under the English tenure was perpetrating, was natural; and we have presumptive proof of this disposition in the recent attempts during the Administration of Lord Dalhousie to extend the feudal tenure, and consequently the French laws in every direction, by recommending to an English Monarch to abuse his prerogative, by erecting Seigniories, and thus prostrating every hope of the Anglification of this Province.

The fatal events connected with the Land Granting abuses, have been dwelt upon, because they have a bearing on the ambitious career of the Majority of the late Houses of Assembly. The unfortunate men, injured by the monopolising Junta before mentioned, unaware of the inveterate prejudices and anti-British feelings of the Leaders of the French Canadians, attempted to obtain their interference, and though this was withheld under plausible pretences, the discontents against the Executive were secretly fostered, and the Government proportionably brought into the hatred and contempt of no small number of the population of English origin in the Province. We shall soon arrive at an epoch, when, feeling the strength of this anomalous alliance, the Majority of the House of Assembly will assume a higher tone, appointing their grand committees of grievances, assuming the language of protectors, and uniformly exerting their influence and their hired presses in excusing insubordinate conduct, except in such cases as interfere with that peculiar ambition which we have ascribed to them, of keeping their countrymen a separate people, distinguished by French laws, a feudal tenure of lands, and a religion and language different from that of the Sovereign and of three fourths of the British nation.

But from this anticipation of our history, we return to review the events of the second Session of the second Provincial Parliament of Lower Canada, which was opened by Governor General Prescott's Speech to both Houses, 20th February, 1798; in which we find him addressing the local Legislature, as if that body took a sincere interest in the fortunes of the British nation, and in the general measures of its Government; a mode of address, be it observed here, which was eventually abandoned when the real disposition of the popular branch could no longer be disguised. The remainder of the Speech regarded the quota of the produce of Custom Duties to be allowed to Upper Canada, with a recommendation of the interest of that Province, as being intimately blended with that of Lower Canada, and stating his Excellency's opinion that the most liberal intercourse would be most

1798

thousand acres, as Leaders of Townships, exclusive of their associates,	195,000
To 6 Merchants, as leaders of Townships, exclusive of their associates,	112,900
To a variety of persons from the United States, being almost the only Leaders possessing the will and the means of settling,	376,200
Total amount of Acres,	684,100

conducive to their mutual advantage; a renewal likewise of the Act for the preservation of his Majesty's Government was recommended, together with a perseverance in the harmony which his Excellency was pleased to say had hitherto influenced their deliberations.

The English Minority in this Parliament abandoned almost every pretension to introduce innovations on French laws, coalescing with the French Canadian placemen, who happened to be Members of the Assembly; and this Session is more distinguished by differences of opinion evinced in the details of measures than by any collision of principles in the popular branch of the Legislature. On the other hand, several Bills, including that for amending the Road Bill, were lost by the tenacity evinced by the House of Assembly and the Legislative Council, respectively, on some points; and the influence of the Executive appeared to be exerted against that encrease of the number of parishes, and alteration of their boundaries, which were solicited by a part of the Roman Catholic Clergy and Laity. Some unquiet spirits having obtained seats in the Assembly, both sides of the House occasionally agreed in repressing their attempts at Legislation; of these, Messrs. Black and Bouc were particularly viewed with jealousy; and a proposal by the former, for the regulation of Notaries was chiefly neglected from want of respect for his personal conduct and private character.

See page 45

The Majority of the Assembly now began to shew their jealousy of permanent Acts, or of those of indefinite duration; and in this respect their jealousy of the Executive was evinced by rejecting a clause introduced into the Bill for the better preservation of his Majesty's Government, which extended its duration till the end of the war, by a majority of 17 to 5. But great decorum continued to prevail; and an address of thanks was voted to his Excellency for his Message, dated 16th March, accompanying various Documents on the Financial relations of this Province with Upper Canada. Those Documents, shewing that the provisions of an Act of the last Session had not been satisfactory to the Legislature of Upper Canada, two Bills which afterwards became laws, were introduced, allowing, for the previous year, a just proportion of the produce of Custom Duties to Upper Canada, to be calculated agreeably to the certified Report of the Collector established at Coteau-du-Lac; and appointing Commissioners to meet those of Upper Canada, for the purpose of coming to a better understanding with that Province on the subject of Custom Duties, and "*on the proportion to be received or to be paid of any Duties* "*already imposed or hereafter to be imposed.*"

Much time appears to have been lost this Session; for though the Road Act Amendment Bill and the Judicature Act Amendment Bill had been long deliberated upon, they were finally postponed.

Towards the close of the Session, the Speaker communicated to the House a letter from the Speaker of the House of Assembly of Upper Canada, dated September, 1797, which accompanied three setts of the Acts of the Legislature of that Province, and suggested the propriety of

a reciprocal communication of laws passed in each of the two Provinces, so intimately connected in political and commercial relations. This suggestion had been promptly acted upon, the Speaker having immediately sent in return three setts of the Ordinances of the Council and the Parliamentary Statutes passed in Quebec from the year 1774.

This Session, leaving much unfinished business, was closed 17th May, 1798, by a Speech from the Governor General to both Houses, in which his Excellency congratulated them upon the internal peace and tranquility of the Country, which he ascribed to the well-founded conviction in the minds of the great majority of his Majesty's Subjects that they enjoyed the fullest protection of person and property, with that security against foreign aggression, which the powerful arm of Great Britain alone could have afforded, amidst the collisions of the most warlike nations of the world. His Excellency further recommended to the Members the expediency of cherishing, among their constituents, those sentiments of loyal satisfaction which would render them worthy of the continued regard of the Sovereign, and of a participation in all the benefits which their connection with the British Empire was calculated to obtain.

CHAP. V.

A. D. 1799 & 1800.

Third Session of the second Provincial Parliament.—A busy Session, prolific in new Laws.—Governor's Speech.—Flattering Address of the House of Assembly, intended to mortify the Legislative Council.—Reading of a Bill before reading his Excellency's Speech.—Symptoms of Improvement in conducting the business of the House.—Modifications of the Road Act, as far as regarded the Cities of Quebec and Montreal.—These Modifications described, and recommended as analogous to British and Colonial practice.—Permanent hostility to the principles of those modifications in the Majority of the Assembly and of the elective body.—Bill for the establishment of Houses of Correction.—Defects of such establishments on the present system.—Bill for the better regulation of Weights and Measures.—Bill to provide a Fund to defray the expense of building Court-Houses.—Its principles deviated from afterwards.—Bill for re-enacting the Consolidation Act.—Reflections on this Act.—Modification of the agreement with Upper Canada on the division of Revenue.—Bill for the regulation of Maitres de Poste.—Attempt to encourage the Cultivation of the Sugar Maple Tree.—Petitions for the establishment of new Parishes.—Governor's Speech at the end of the Session, mentioned in connection with his intended departure to London.—Fourth Session.—Preliminary remarks on the feelings of the French Canadians, as evinced by the failure in obtaining voluntary contributions.—Addresses to Governor Prescott on his departure from the Province.—Accession of Sir Robert Shore Milnes as Lieutenant Governor.—His long Administration, and its pernicious effects on British Colonisation.—His first Speech described, with a remark upon the Address of the House of Assembly.—Attempt to obtain encouragemenl for the Cultivation of Hemp.—Renewal of the Claim on the part of the Province to the Jesuits' Estates.—Address to the Lieutenant Governor on this subject.—His Excellency's Reply.—Bridge over the River Jacques Cartier.—Unsuccessful attempt on the part of the Minority to establish a qualification of Property for a seat in the House of Assembly.—Expulsion of a Member without a call of the House.—Encreased jealousy between the House of Assembly and the Legislative Council.—End of the second House of Assembly, and its character.—Enumeration of new Acts.

The third Session of the second Provincial Parliament of Lower Canada, pregnant with the deliberations of previous Sessions, was unusually prolific in laws, principally, however, of a local description. It was opened on the 28th of March, 1799, with a Speech from the Governor-General, which alluded to the late important exploits of his Majesty's Navy, under the command of the heroic Nelson; recommended the re-enactment of the Consolidation Act, and the continuation

of the Act for the better preservation of his Majesty's Government, to the support of which in due vigour, was justly ascribed the peace, prosperity, and extending commerce of the Country.

The Addresses of both Houses in reply, were nearly echoes of the Speech; and, owing probably to the knowledge possessed by the Majority of the House of Assembly of the differences between the Governor and several Members of the Executive and the Legislative Councils on the Land-business, the language of the Commons was flattering to his Excellency, whose Administration was characterised as benevolent.

The vigilant ambition of the Majority appeared, in adopting an analagous practice of the House of Commons of Great Britain, by postponing the reading of his Excellency's Speech till after their privilege of originating laws should, as matter of form, be exercised. Accordingly, when the House had returned from the Legislative Council Chamber, where the Provincial Parliament had been opened, a Bill continuing a previous Act for the appointment of Returning Officers was read for the first time; after which the Speaker reported the Speech of the Governor; and a Committee of five Members was appointed to frame an Address.

Some improvement in conducting the routine of public business was evident this Session; for we find that the renewal of expiring laws occupied the first attention of the Legislators; and the Bills were promptly brought in and considered.

The violent aggressions on the public authorities by the opponents of the Road Act, having been properly resisted by the Governor, those who had any just grievances resorted to Constitutional measures, praying for a modification of some of the enactments; and a Bill was introduced which became a law this Session, modifying and improving the previous Act, with reference chiefly to the cities and vicinities of Quebec and Montreal. This Act, imposing an Assessment on Rent, and enacting a composition for public labour, is analogous to what, in Great Britain and Upper Canada, is termed County Rates, a species of local and direct taxes, which forms the legitimate fund for the expenses of local establishments and improvements. It will hereafter appear that the Majority of the House of Assembly, influenced both by interest and anti-commercial prejudices, were resolved to raise by taxes on Commerce, instead of County, or rather District Rates, the means of building and repairing Court-Houses and Gaols, thus deviating, in an important point, from the practice of other Countries, and leading to a lavish expenditure of the public monies.

The increasing population of the Province, attended by a large augmentation of inhabitants in Quebec and Montreal, exposed to the usual temptations, prescribed the necessity of a Legislative Provision for the correction of various minor offenders; but the views of the Legislature at that time extended no farther than to make distinctions between the prisoners in the District Gaols, confined as culprits, and

others confined for punishments awarded. The first essay towards a House of Correction merely declared the Common Gaol to be a receptacle for various minor offenders, who should be employed at hard labour, under the superintendance of Commissioners, interfering in no small degree with the responsibilities of the Sheriff, and leading to inconveniencies which can only be removed by establishments for the Correctional Police of Quebec and Montreal, entirely separated from the Common Prisons of the Districts. The Act for the restricted purpose aforesaid, however, gave rise to various temporary expedients, tending to show the necessity of establishing, as soon as possible, a House of Correction, worthy of the name; and of which the Institutions of the United Kingdom and of the United States afford so many models.

The Bill for the better regulation of Weights and Measures throughout the Province, which became a law this Session, was of great utility; but in the course of its discussion, the tenacity of the Majority to old denominations, was particularly evinced in retaining the Canadian Minot, which is about eight per cent larger than the Winchester bushel, and five per cent larger than the bushel comprised in the Imperial Quarter of eight bushels, established in England in the year 1825.

The House of Assembly was employed in deliberating on the continuation of various temporary Acts, and on the Bills before mentioned, till the 23d April, when a Message was received from his Excellency signifying his Majesty's gracious intention to advance a sufficient sum of Money for the erection of Court Houses in the Districts of Quebec and Montreal. An address of thanks was voted for this Message; and a Bill was soon after introduced for the purpose of applying this Money by Commissioners, and devising means of repayment. The expenses were limited to Five Thousand Pounds for Quebec and Montreal respectively; and the means of repayment were established by taxes on various Writs, issuing in due course of law in his Majesty's Provincial Courts. This Bill having become a law, had a considerable influence on the future conduct of the Majorities of the House of Assembly, who, being partly composed of Lawyers, were led by professional interest to deprecate such restrictions upon the litigious spirit of their clients. Taxes on Merchandise were more agreeable to that influential profession; and were successfully recommended as the ways and means for providing, at a future day, new Gaols for the Districts of Quebec, Montreal, and Three Rivers.

The re-enactment of the Consolidation Act, which had not been assented to by his Majesty in the time limited by the Constitution, was carried through with the utmost unanimity; and as this law has a bearing upon the Financial disputes, which have long agitated the branches of the Provincial Legislature, it may be proper here to state its object and consequences. The object of this Act, 39 Geo. III. cap. 9, was to obtain the repeal of the British Act 14 Geo. III. cap 88,

and 28 Geo. III. cap. 39—and by offering a permanent Act, with permanent appropriations amounting to Twelve Thousand Pounds Sterling, to obliterate all traces of Taxation by the Imperial Government for the purposes of internal Revenue. The consequences of a compliance, on the part of the British Parliament with the object of this Colonial Act would have been, theoretically at least, to make the existence of his Majesty's Civil Government depend on the will of the Canadian Legislature. The British Ministry, however, have never moved Parliament to comply with the conditions of this Act, which remains a dead letter upon the Statute Book of Lower Canada. This hesitation was the most decisive proof then afforded by his Majesty's Government, that the operation of the Constitutional Act had not answered the expectation of its framers; and, aware of the composition of our local Legislature, no person, acquainted with the tendencies of Colonial affairs, and sincerely attached to the British connection, can avoid acknowledging the judicious conduct of the Colonial Department, which seems perfectly to have understood that there are occasionally repeated and urgent calls to action, which true policy suggests the expediency of answering, *by doing nothing at all.*

But, returning to the proceedings of the House of Assembly, we have to remark, that the negociations between the Commissioners of Lower Canada, respecting the division of Revenue, was successful; and that additional articles of agreement, one of which suspended the execution of the 6th article of the previous agreement, which stipulated the imposition by Upper Canada of the same duties on imports from the United States into that Province, as existed on imports from those States into the Lower Province, were sanctioned. This part of the arrangement was extremely favourable to Upper Canada, and was permitted to exist so long as the Government of the United States abstained from imposing duties on imports from Upper Canada.*

As connected with the Road Act, we should mention that the case of Maitres de Poste, or persons keeping horses and carriages for the accommodation of travellers, was taken into consideration this Session, and that a law was passed regulating the duty and compensation of

* To persons desirous of taking a retrospect of the intercourse between this Province and Upper Canada, it may not be uninteresting to state the dutiable Articles reported as having passed upwards by Coteau du Lac, namely:—

58,989½	gallons of Jamaica Spirits, or Rum,
2,625	do. foreign Brandy, or Spirits,
638	do. Molasses,
5000¾	do. Madeira Wine,
13,804	do. Port and all other Wines except Madeira,
28,801	lbs. of Loaf or Lump Sugar,
11,520	do. Muscovado Sugar,
8,445	do. Coffee,
2	do. Leaf Tobacco,
1,182	packs Playing Cards,
2,914	minots Salt.

The 2½ per cent. duty on dry goods did not exist at this time; consequently, the amount of them and of many other articles cannot be found in the Report.

those persons in a manner which encouraged the intercourse by land between the principal Cities on the line of the St. Lawrence, varying the rates of milage according to the state of the roads in the Spring and Autumn, and admitting of an extra charge for relays of horses required by persons travelling in their own carriages.

Several abortive projects for the encouragement of articles of Canadian produce were brought forward, and among others, a Bill for the preservation of the Sugar Maple and Plane Trees, with a view to the extension of the manufacture of Sugar. In a Commercial Colony, interested in keeping up an intercourse with the British Sugar Colonies, this proceeding was of doubtful expediency, and was opposed by the Mercantile interest, with the same views as any direct encouragement for the manufacture of Whiskey would now be opposed.

Applications for the establishment of new Parishes were again made this Session, but without effect; and the remote concessions, inhabited by persons of the Romish Religion, were accommodated with Missionaries, it being considered that the establishment of new Parishes was a matter of State policy, worthy of the deliberation of the Imperial Parliament, and which long afterwards was attempted to be provided for in the postponed Bill for uniting the Legislatures of Lower and Upper Canada, in the year 1822.

At the end of this Session of the Provincial Parliament, 3d June, 1799, the Royal Assent was given to ten Bills; and, in his closing Speech to both Houses, the Governor in Chief bestowed ample praise on the Members of the House of Assembly, appearing to solicit from them a testimony to their Constituents in favour of his public conduct; and it is probable, from the unusual warmth of his expressions, that his Excellency was desirous of obtaining farther proofs of attachment to his Administration before visiting London, where his presence had unfortunately been rendered necessary, in consequence of his differences with Chief Justice Osgoode and the Executive Council, on the subject of publishing his Majesty's gracious Instructions, to facilitate a just and liberal arrangement of the Claims of numerous deserving Individuals, who had been invited to lay out their money and labour upon the Waste Lands of the Crown.

Before treating of the Fourth and last Session of the Second House of Assembly, it will be proper to allude to some events which throw light upon the spirit and ambition of the Majority of that Body, and upon the general disposition of their Constituents, to whose sense so many and fatiguing appeals, by repeated dissolutions and re-elections, have been made, in his Majesty's name, since the year 1809.

The extraordinary efforts required to carry on the War between Great Britain and the Revolutionary Government of France, having nearly exhausted the ingenious devices of Taxation, the Prime Minister, the illustrious Mr. Pitt, was induced to feel the Pulse of the Nation, by calling for voluntary contributions for the support of the just and necessary War, in which, for the preservation of the Thrones,

the Altars and the Independence of European States, His Majesty and his Allies were engaged. The result proved that the Pulse of the British people beat high with loyalty and patriotism. The Contributions, in which the widow's mite was not despised, produced millions of money in the United Kingdom; and the occasion was seized with avidity by Britons throughout the world, to manifest their zeal for the National Cause, and for the support of the Imperial Government. Persons of this description, and the more immediate adherents of the Administration of Lower Canada, in Quebec, Montreal, Three Rivers and William-Henry, attempted to second the general movement, and, by their example, to draw from the pockets of the French Canadians and their Representatives, a few thousands of pounds, but without effect. The French Canadians and their influential Representatives, from the causes already mentioned, had in no manner sympathised with the British Nation, nor identified themselves with its fortunes or its glory. On the contrary, the disposition of the "*Nation Canadienne*" and the ambition of its Representatives, fostered by the preposterous policy of the Conquering Power, were to remain a separate people, distinguished from Englishmen by Laws, Language, Manners and Customs of their own. Under such circumstances, it was unnecessary for the Majority of the House of Assembly to take open measures against the Subscription, to alarm the Peasantry by the spectre of Taxation and bad precedents; they merely acquiesced in the national feeling expressed in the proverb, "*Charity begins at home,*" adding significantly, on the present occasion, *that it ought also to end there.* The result may be easily guessed by our readers: instead of obtaining fifty thousand pounds, as some sanguine calculators expected, from a Province containing that number of Householders, the Subscription was chiefly confined to persons of British origin in the Cities and Boroughs, and did not exceed one tenth of that sum, throughout the Canadas.

A contemporaneous event, however, showed that a little management could obtain compliments and professions, costing little, and pledging less of money or service. The intention of Governor Prescott to visit London produced Addresses warmly expressed and numerously subscribed; and the few who sincerely esteemed that excellent man were joined by the many who considered his vigorous Administration as unfavourable to their views, combining expressions of sorrow for his departure with their secret hopes that he would never return.

The Administration now, with diminished lustre, was to be conducted by a Civil Governor; and the long continuation of Sir Robert Shore Milnes, in the capacity of Lieutenant Governor, had a lasting effect on the Affairs of the Province, by producing those compromising measures which entirely lost sight of the means of rendering the Canadas subservient to the interest of the Empire at large. This Administration, indeed, was chiefly occupied in dividing among its

greedy adherents the wrecks of the New Settlements on the Free and Common Soccage Lands; and, in the absence of a Military Governor, Lawyers and Priests encreased their influence and intrigues, while nothing but the tenacity or *vis inertiæ* of Government and Party was displayed. If our readers, however, were satisfied with *appearances on paper*, they would admire the interested jugglery now displayed by the Executive, in numerous grants of Townships, under pretext of settling the Waste Lands of the Crown. To a judicious observer, however, the List of Grants, during this long Administration, conveys the revolting idea of vast tracts of fertile Land being conveyed to persons devoid alike of the talent and capital requisite to form beneficial Settlements; while the conduct of those monopolists, in ejecting many deserving occupants of those Lands, forcibly reminds us of the bitter sarcasm of Galgacus against the Romans, "*when they have made a desert they call it peace.*"

This Session was opened by the Lieutenant Governor, 5th March, 1800, with a Speech to both Houses; in which he alluded to the tranquillity insured to Canada, and to the other Dependencies of the British Empire in North America, by the protection of his Majesty's Arms; but, considering the unabated spirit of intrigue which characterised the French Government, then administered by Napoleon Buonaparte, as First Consul, he recommended the continuance of these temporary Laws, for the support of his Majesty's Government and the regulation of Aliens, which had already produced the most salutary effects. Adverting to a contagious disease which had prevailed among the Troops landed from a Transport towards the close of the past year, he recommended a revisal of the Quarantine Act, and the investment of the Executive, with additional powers for the prevention of the introduction and spreading of such diseases. His Excellency, addressing the House of Assembly, next promised a statement of the Provincial Revenue of the Crown, and alluded to the cheerful and successful manner in which the British Nation supported the unexampled burthens of the War. Addressing both Houses, he injudiciously boasted of an alledged success in obtaining voluntary Contributions, within the Province, for the support of the War in Europe; and, after a transition to the friendly relations then existing with the United States, his Excellency ended with stating that he deemed it unnecessary to recommend to both Branches of the Legislature, a continuation of that zealous attention to the public welfare, which, he was pleased to say, had hitherto so highly distinguished their proceedings.

The Addresses of both Houses were nearly echoes to his Excellency's Speech; but the Majority of the House of Assembly, very judiciously prevented any allusion to the paragraph which boasted of voluntary Contributions, well knowing how little share themselves or their Constituents had in such tokens of loyalty; but this Body coincided with the Legislative Council in complimentary expressions to his Excellency on his accession to the Government of the Province.

The House of Assembly began the public business, by adverting to the expiring Laws; and it was resolved to take the Speech of his Excellency into consideration, the 12th March. On the 10th of March, an attempt was made by the Commercial Minority, to obtain some direct encouragement by bounty, for the culture of Hemp, an article to which the soil of some parts of the Province was said to be well adapted, and which the wants of the British Navy would render saleable at a fair remunerating price in the British Market. But, when a motion was make to refer the subject to a Committee of five Members, the Majority, remarking that the demand for the article would chiefly depend upon the contingency of a long duration of the present War, negatived the question; and they have generally refused to vote the money of their Constituents for similar purposes, leaving such objects to the influence of external Commerce, and to the patronage of the Imperial Government.

Hemp

After the House had expeditiously passed the Bills for continuing the Act for the better preservation of his Majesty's Government, and for the regulation of Commerce between this Province and the United States, the Majority resumed the subject of the Estates of the lately proscribed and extinct Order of Jesuits, which they had learned had recently been taken possession of by the Executive under the prerogative of Conquest, and the reservation of Rights mentioned in the capitulation of Montreal, and again adverted to in the unrepealed clauses of the Act 14, Geo. III. cap. 83. Jealous of this legitimate appropriation of Estates, the Revenue of which if afterwards applied by the Crown to purposes of Education might not be so applied as to suit the views of keeping the Nation Canadienne a separate people, the Majority voted an Address to his Excellency, praying for certain documents to facilitate the investigation of the Claims and Pretensions of the Province on the Jesuits' College, converted into Barracks, and to the Estates of that Order originally granted by the King of France, for the purpose of educating the Natives of the Country. The reply of his Excellency stated, that in consequence of the Address of the First House of Assembly, on the 11th April, 1793, the Claims of the Province had been considered by his Majesty in Council, and that the result of this consideration had been an Order to take possession for the Crown; that if, after this explanation, the House should deem it advisable to investigate, they should have access to the Documents required; but his Excellency having insinuated that farther application on the subject might be inconsistent with their accustomed respect for the decisions of his Majesty on matters connected with his Prerogatives, the House passed to the order of the day; and the Jesuits' Estates and the Commissioners for their management have ever since been merely topics of occasional declamation in the Grand Committee of Grievances.

Jesuits Estates

Among Local Matters should be mentioned a Bill which became a Law for the erection of a Bridge over the River Jacques Cartier, the rapidity of whose current had recently been fatal to passengers in the

ferry-boats. The Expenditure on this object was to be fifteen hundred pounds, which, as usual, the Majority would not suffer to depend upon a County Rate, but ordered to be taken from the General Fund of Taxation on Commerce.

This Session is rendered remarkable by an abortive attempt to establish a qualification to entitle persons to be elected Members of the House of Assembly, a subject which long afterwards was introduced into the Union Bill of the year 1822. It will hereafter appear that the Majority were more inclined (as in the instance of refusing admission to a Jew) to establish a Religious Test than a pecuniary qualification.

The expected General Election and other circumstances produced frequent instances of adjournment of the House, and of Committees for want of a quorum; but an attempt, towards the end of the Session, to reduce the Quorum from 17 to 10, was resisted as tending to sacrifice the interest of the Ruling Party to the Business of the Country, which appears to have been readily postponed for Electioneering purposes; and this Session passed without a call of the House, notwithstanding the following important affair. After some preliminary proceedings, including a hearing of Counsel, the House, on the 2d April, resolved, by a Majority of 21 to 8, that C. B. Bouc, Esq., having been convicted in the Court of King's Bench, Montreal, of a conspiracy, with sundry other persons, to defraud Etienne Drouin of divers large sums of money, be expelled the House of Assembly.

See page 35 58.

The Majority showed great jealousy of all measures originating in the Legislative Council; and on this account, some necessary amendments of the Judicature Act had been long retarded. On the 8th April, a Bill for this purpose, sent down by the Council for concurrence, was taken into consideration; but little progress was made in it during the remainder of the Session.

The want of a Quorum, before mentioned, was the principal cause of much unfinished Business being left for the consideration of a New Parliament; and having prolonged the Session with little effect, during April and May, it was closed on the 20th of the latter month, with a Speech from his Excellency the Lieutenant Governor, of the most conciliatory description. This course, on the eve of a General Election, may have suited the purpose of the Executive; but we think that the praise that could at any time be justly bestowed on this Parliament, is rather of a negative description. This Second House of Assembly displayed no extensive views for the improvement of the Country, either in Agriculture or in Commerce; and it is worthy of remark, that though their Financial Concerns were so nearly connected with the Trade of the Country, no General Statement of the Imports and Exports is to be found in their Journals.

Besides continuations of previous Acts, the following Laws were made this Session:—An Act to give further powers to the Executive

Government to prevent the introduction or spreading of Infectious or Contagious Diseases in this Province; An Act for the Erection of a Bridge on the River Jacques Cartier; A Declaratory Act respecting Suits for Criminal Conversation; an Act to prevent the harbouring of Runaway Seamen.

Jesuit

NOTE.—Jean Joseph Casot, the last of the Canadian Jesuits, died on the 10th March, 1800, and the expectation of this event gave occasion to the present renewal of the Question which had not been agitated in the Assembly since the year 1793.

CHAP. VI.

A. D. 1801 & 1802.

General Election for the Third House of Assembly.—The Executive prevents the return of any Member inimical to the Land Board.—Composition of the House described.—Party Spirit not yet an impediment to Public Business.—The Imperial Government apparently unaware of the obstacles to Anglification caused by the Constitutional Acts.—First Session.—Mr. Panet is re-elected Speaker.—Lieutenant Governor's Speech.—The Address of the House of Assembly, in alluding to Free Schools, shows its exclusive attachment to the French Language.—Re-election of C. B. Bouc, the expelled Member.—His case compared with that of John Wilkes.—This Session remarkable for the number of Acts passed.—Judges and Lawyers combine with the Country Members in taxing Commerce.—This system of Taxation, and a temporary prosperity, produce a lavish disposition of Public Monies.—Act empowering the Judges of the Court of King's Bench to make Rules and Orders of Practice.—Important consequences of the exercise of these powers at a future day.—Debates on the Act respecting Wills and Testaments.—The introduction of the Decisory Oath censured.—Abortive attempt to modify the Feudal Law as respects his Majesty's Tenants en Roture.—Supply to his Majesty by two permanent Acts.—Act for the Advancement of Learning.—Obstacles to the execution of this Act.—Act for removing the old Fortifications of Montreal.—End of the Session.—Second Session.—Preliminary Remarks.—The Executive eludes the dangerous consequences of the powers of the Popular Branch, by temporising expedients.—Allusion to the Civil List.—Lieutenant Governor's Speech.—The Address of the Assembly re-echoes his abuse of the American Settlers ejected by the Patentees.—Abortive attempt to improve the Road Act, by Mr. Taschereau.—Despatch of Business.—Utility of Executive Councillors in the House of Assembly.—Inconveniencies caused by their future exclusion.—Act to encourage the culture of Hemp.—Attempt to obtain a pecuniary allowance for the service of Members of the Assembly, defeated by the temporary combination of English Members and Canadian Placemen.—This Session closed with a Speech suited to the temporising views of Sir Robert Shore Milnes' Administration.

The Elections of the Members for the Third House of Assembly of Lower Canada, were distinguished by considerable warmth; and some important local interests, combined with personal and professional ambition, to render a seat in the House of Assembly an object of competition. The Executive, anxious to prevent the arrangements of the Land Business from being disturbed, took great pains to keep out any one likely to represent the persons aggrieved by those arrangements; and

they succeeded so well in this object, that the disappointed Settlers could not second their views of obtaining relief through a mission to London, by exciting some interest in their favour in the House of Assembly.

The Executive were then able to return whom they pleased for the Borough of William-Henry; and they, therefore, instructed the Attorney-General, Mr. Sewell, to try his fortune as a Candidate for the County of Quebec; for which purpose, Mr. Black retired in his favour; but the French Canadian interest was too strong, and that Officer owed his seat in the House to his Majesty's Borough, aforesaid. In the Borough of Three-Rivers, also, the Executive prevailed; while in the Cities of Quebec and Montreal, the Mercantile interest combined with the Executive, in returning a favourable majority; and on a review of the whole composition of this Third House of Assembly, it might have been predicted that the immediate interests of the Government, apart from any views of the anglification of the Country, and of making beneficial Settlements of the Crown Lands, would be upheld; and that the influence of men in office would be so much increased as to produce a considerable jealousy and reaction on the part of the French Canadians at a future day.* This House consisted of thirty-six French Canadian and fourteen English Members; and among those fifty were four Members of the Executive Council, three Judges of the Court of King's Bench, four Seigneurs, Proprietors under the Feudal Tenure, some Notaries and Lawyers, including the Attorney-General and Solicitor-General, three Merchants engaged in extensive Foreign Trade, three holders of minor Offices under Government, thirteen Habitants or Peasants, *some of whom were unable to write their names*, the remainder consisting of Inland Traders, Auctioneers, Shopkeepers, &c. This Assembly, indeed, was as well composed as the circumstances of the Country and its vicious Constitution, *giving almost universal suffrage to the French Canadians*, would permit;—and the business done, in its contracted sphere, will prove the activity of various interests, influencing the march of the Administration. It will also be observed, that party spirit and competition between the Branches of the Legislature could still be soothed into compromise, and that *measures* rather than *the men or the departments in which they originated*, were taken into consideration. Mean-

* The following Members generally voted with the Government:—(Executive Councillors and Officers under Government): Messrs. *Young, M'Gill, Lees, De Bonne, P. L. Panet, Sewell, Foucher, Craigie, Caldwell, Coffin, Planté, Baby*:—(Lawyers and Merchants); *Walker, Lester, Bell, Badgley*:—(Seigneurs); *James Cuthbert, Ross Cuthbert.*

There was no formidable opposition to the restricted and temporising views of this Administration; but the following names were generally adverse to Government measures during the present Session: *Messrs. Bedard, Poulin, Archambault, and Tellier.* Both sides of the House, however, were unanimous in granting Supplies to his Majesty in aid of the permanent Revenue, which already exceeded twenty thousand pounds sterling.

time, the British Government, losing sight of the consequences of the Constitutional Acts, 14 and 31, Geo. III., appear, by the Instructions of the Colonial Department, to have adverted to the anglification of the Country as a mere matter of routine; and the very terms of that part of his Excellency's Speech which alluded to the establishment of Free-Schools, hereafter mentioned, proved that they had no idea of the obstacles to their wishes of spreading the English Language, *which their own Acts, as aforesaid, had created.*

This Third Provincial Parliament was begun on the 1st January, 1801, by the preliminary arrangement of choosing a Speaker, when some feeble attempts were made by the Minority—first, to choose a French Canadian Placeman, in the person of Judge Debonne—and next to elect a British-born Subject, and Executive Councillor, Mr. Young; but Mr. J. A. Panet, the former Speaker, being the choice of the Majority, was approved by Lieutenant Governor Milnes, in terms of eulogium exceeding the accustomed forms of etiquette and reserve, practised by his predecessors.

On the 10th January, the House being returned from the Legislative Council Chamber, and the salvo of privilege having taken place, by giving leave to introduce and read a Bill, the Speaker reported his Excellency's Speech, embracing a variety of topics, chiefly connected with the immediate wants and the Police of the Province. After alluding to the uncertain results of negociations for Peace in Europe, his Excellency recommended a continuance of the Acts for the better preservation of his Majesty's Government and the regulation of Aliens; and, adverting to the recent distressing Fires which afflicted Quebec, he recommended that some regulations should be made, to render the assistance of the Public more immediate and effectual on such occasions. Having next recommended a provision for the support of the Insane and Foundlings, and promised to submit a Statement of the Provincial Revenue of the Crown and of the Expenditure, remarking, at the same time, the encrease of Trade, his Excellency communicated the intentions of his Majesty to set apart a suitable portion of the Lands of the Crown, and appropriate their Revenue for the purpose of supporting a competent number of Free-Schools for the instruction of the rising generation, in the first rudiments of useful Learning, and *in the English tongue*, and also, as occasion might require, for foundations of a more large and comprehensive nature.*

Education

By command of his Majesty, the Lieutenant Governor acknowledged

* The Act which was passed this Session, in consequence of the communication aforesaid, and entitled "An Act for the establishment of Free-Schools and for the "advancement of Learning in this Province," contemplated two objects—the establishment of Colleges by a Corporation called *the Royal Institution*, which, during nearly thirty years, has remained inefficient, and the erection of Free-Schools, which party and sectarian obstacles made difficult of execution. The natural jealousy of the French Canadians was roused by the power which this Act gave to the Government, in appointing Teachers and in diminishing the accustomed controul of the Romish Clergy in the education of the people. A different plan originally brought

the loyalty of his Canadian Subjects, as evinced by the voluntary Contributions adverted to in our last Chapter; and he concluded his Speech by anticipating unanimity and dispatch in Public Business from Members whom he personally recognised as acquainted with the necessary routine, and animated with correct views of the public welfare.

The Addresses of both Houses were filled with compliments to his Excellency, and expressions of loyalty to his Majesty; but it is worthy of remark, that the Assembly, in nearly echoing the clause of the Speech respecting Free-Schools, omitted the words "*English tongue*" —showing that this part of the proposed instruction was uncongenial to the feelings of the Majority; and it will hereafter appear that *the preservation of the French tongue, and its employment in the communication of English Constitutional Laws and Precedents were paramount objects in their minds.* The Coin of the Realm excepted, they were disposed to quarrel with every thing that was not presented in a French dress; and this propensity was very much indulged in their social and political intercourse with the King's Representative, who carried his complacency to an unprecedented extent, in the annals of temporising Policy.

Before adverting to the Legislative conduct of the Assembly in this Session, we must remark a curious instance of the tenacity of the Constituents of the Majority, who then, as more recently, evinced their obstinacy in returning old Members, however obnoxious to Law, and lost in character and reputation. The proposed subject is also interesting as having some distant analogy to the famous case of the Middlesex Elections in England: when the *pseudo* patriot, John Wilkes, after having been expelled, was re-elected a Member of the House of Commons.*

As formerly mentioned, CHARLES BAPTISTE BOUC, one of the Members for the County of Effingham, had been expelled from the House of Assembly, during the last Session of the Second Parliament, in consequence of a previous conviction of conspiracy, with others, to defraud one Etienne Drouin of divers sums of money. But when the Elections for the Third Parliament approached, the partiality of the Electors to this man, and their contradictory spirit, were evinced in

forward this very Session by Mr. Perrault, and laid aside by the influence of the Executive, was recently modified, and has gone into effect in a manner consistent with the intentions of the Majority, to distinguish the French Canadian Nation from the rest of his Majesty's Subjects, in their Language and other characteristics.

* The principal difference between the two popular favourites was, that WILKES was a man of talents and education, while Bouc was deficient in both:—these two worthies, however, resembled each other in that species of low cunning, which, aided by impudence, always finds dupes in the multitude; and the cry of persecution by the Government was raised with similar effect in both cases. At a recent date, the clemency of his Majesty's Representative was exerted in pardoning Mr. Bouc; but we have not heard that, like Mr. Wilkes, he has obtained any office of honour or of profit, from a public body.

an extraordinary manner. The cry in favour of the rejected Member resounded through the whole County of Effingham. The opportunity of asserting what they called their Rights was seized with avidity by the Electors, who triumphantly returned the same Charles Baptiste Bouc, as a Member of the Honourable House. He was again expelled with less ceremony than before—but was re-elected on the 30th April, after the Prorogation of the House ; and his annual annoyance could only be prevented by the unprecedented measure of passing an Act in the Second Session "*for disqualifying and restraining* CHARLES "*BAPTISTE BOUC from being elected, and sitting and voting as a* "*Member of the House of Assembly.*"

This Session is remarkable by the number of Acts passed, and the variety of subjects brought into discussion. The Crown Lawyers and several Judges of the Court of King's Bench of Quebec and Montreal, being Members of the House, important Amendments of the Laws were suggested by their experience, while deference to their authority facilitated their obtaining the concurrence of the other Branches of the Legislature. This professional influence was likewise exhibited in ample appropriations to finish the Court Houses of Quebec and Montreal ; the expenditure for which was now calculated to be nearly double the sums first contemplated. The prosperity of the Country, owing to an abundant Crop, and to the temporary demand for Grain in the British Market, had for the present produced a lavish disposition, evinced at once by encreased appropriations for the expences of the House of Assembly, in Salaries of Officers, and for the purchase of Furniture and FRENCH BOOKS, and preparing for the following Session a project of granting pecuniary compensation, not only to the Speaker but also to the Members of the House.

The general importance of this Session, and our principal object of pointing to the ambition of the Majority, will render it necessary to enter into some details ; and we, therefore, proceed in order of time, to notice the progress of Business in the Popular Branch.

In Amendments of the Laws, *the late Mr. Justice Panet* distinguished himself this Session ; and we find him, at its very commencement, seconding the motion of *Mr. Berthelot*, for leave to bring in an important Bill, which, after much discussion and modification, became a Law, entitled "*An Act to amend certain forms of proceeding, in the Courts of Civil Jurisdiction in this Province, and to facilitate the Administration of Justice.*" This Act, however, is not so celebrated for its admitted benefits in its original enactments, as for the consequences of the employment, by the Judges, at a future day, of the powers conferred by Sections 16th and 17th, which we shall here transcribe: Section 16, *enacts that the different Courts of Civil Judicature in this Province shall have power and authority to make and establish such Orders and Rules of Practice in the said Courts, in all Civil matters, touching all services of Process, executions and returns of all Writs, proceedings for bringing Causes to issue as well in Term as out of Term, and other matters of Regulation within the said Courts.*

Section 17, *enacts that the Courts of Criminal and Civil Jurisdiction within this Province shall have power and authority within their respective Jurisdictions to make a Table of Fees for the Officers of the said Courts, which Table the said Courts of Justice may alter and correct from time to time, as they may see necessary. And the Officers of the said Courts respectively are directed to conform to the same.* It would be premature here to describe the manner in which those extensive powers, capable by construction of innovating on the Laws and degrading the profession of Barristers were exercised. Suffice it at present to say that, owing to the mode of executing the first mentioned Section, the Chief Justice of the Province, *Mr. Sewell*, and the late Chief Justice of the Court of King's Bench for the District of Montreal, *Mr. Monk*, were severally impeached by the House of Assembly in the year 1814, and that the alleged abuse of powers conferred by the 17th Section, produced a temporary secession of all the Barristers practising in the Court of King's Bench of Montreal.

Judges Impeached

Those results, with their injurious influence on Provincial Politics, will in due time be presented to our readers; and we now return to the Session. Mr. Justice Panet brought in a Bill which excited the discussion of an important question of Public Morals. The Bill eventually became a Law, entitled "*An Act to explain and amend the Law respecting Wills and Testaments.*" His principal object was to prevent the technicalities of the French Law from interfering with the true intent and meaning of a provision in the Act 14, Geo. III. cap. 83, considered favourable to the interests of the Settlers of British origin, *which enacted that every owner of Lands, Goods or Credits in the said Province, having a right to alienate the same in his or her life time, by Deed of Sale, Gift or otherwise, may devise or bequeath the same, at his or her death, by his or her last Will and Testament.* In the Bill of Amendment, the Third and Fourth Provisoes, which restricted the married Testator to the rule of the French Law with respect to Bequests in favour of Illegitimate Children, were struck out, by Majorities of 13 to 5, after some interesting Debates; in which a recurrence to the old Law of Bastardy was viewed as calculated to introduce into the Province, under the Feudal designation of *Children of the State*, a degraded race, burthensome to the Government; it being justly remarked that if the natural affection of the Parent were restricted in providing for the Child, the grievance of abandonment of Illegitimate Children would be augmented, and the Public Expense, for the support of Foundlings, proportionably encreased.

French Law

Another attempt in favour of the French Law was more successful; but in our humble opinion it had not even the pretext of morality in its favour: we allude to the admission of the *Serment Decisoire*, or *Oath by which, under certain circumstances, a Debtor may be permitted to clear himself of a Commercial Debt by simply swearing to its having been paid and satisfied, without even stating the time or place of payment.* We are bold to assert that this retrograde movement to French Law has been more prolific of perjury than all the tempta-

tions to that crime which the practice of the English Criminal Law and Rules of Evidence has introduced into the Province; and it is one of the deplorable instances, in which the Sovereign may be said to tempt the people to commit sin, and become obnoxious to the retributions of a future state of existence.

And from success in reviving hurtful laws, we have little consolation in adverting to the failure of an attempt to give limited relief to the holders of lands under the Feudal Tenure. In the progress of the Bill for the relief of Persons holding Lands or Immoveable Property of His Majesty *en Roture*, upon which *Lods et Ventes, or Mutation Fines* are due, *Mr. Young*, seconded by *Mr. Cuthbert*, proposed a clause, enabling His Majesty to conform to the practice of the old Colonies, and the spirit of the Proclamation of 1763 already mentioned, by establishing, instead of those Feudal Burthens, *an Annual Rent.* This, however, was of course resisted, as an important innovation on the French and Feudal Law; and no effectual relief of this description was afforded, till the Imperial Parliament interfered, as will be hereafter mentioned, in the years 1822 and 1825.

The limits which we have prescribed to ourselves, prevent our entering into the merits of various Acts of a local description passed during this Session; but we ought to mention the more important matter of the supplies voted to His Majesty, which consisted of the following permanent Acts, 41 *Geo. III., Cap.* 14, *granting to His Majesty certain new Duties on the Importation into this Province, of all manufactured Tobacco and Snuff, and for disallowing the drawback on Tobacco manufactured within this Province:* 41 *Geo. III., Cap.* 13, *granting to His Majesty a duty on licensing Billiard Tables for hire, and regulating the same.* The most important Acts passed this Session, besides those already alluded to in this Chapter, were an Act to amend an article of the Code Civil, with its derogations as it hath been usually received in this Province, which directs and fixes the degree of affinity and consanguinity of witnesses in civil suits.

The following Bills, though reserved for His Majesty's assent, became Laws eventually, and were introduced into the Statute Book next Session:—*a Bill for the establishment of Free Schools, and the advancement of learning in this Province; and a Bill for removing the old Walls and Fortifications that surround the City of Montreal, and otherwise provide for the salubrity, convenience and embellishment of the said City.*

This busy Session of the Provincial Parliament, was closed on the 8th of April, 1801, with a speech expressive of the utmost confidence in the good intentions and approbation of the measures of both Houses; and, *in the accustomed mode of giving them credit for taking a deep interest in the fortunes of the British Empire,* His Excellency, in the course of his speech, announced the completion of the Legislative Union between the Kingdoms of Great Britain and Ireland; and he was pleased to say that this important event so effectually consolidating the strength, security and prosperity of the Empire,

would no doubt be sensibly felt in this Province, which, *partaking in the general benefit, would not fail to partake also in the satisfaction which it conveyed to the paternal bosom of our most gracious Sovereign.*

From the facts detailed in our previous Chapters, it will have appeared to our readers that the present Administration was distinguished by a prudence approaching pusillanimity, in never risking a recommendation *originating in itself*, to the House of Assembly, calculated to excite the prejudices and strenuous opposition of the majority. The Constitution, in its developement, *blending itself with the French Laws and Feudal Tenure*, could not fail to alarm such an administration, and every occasion of enabling the French Canadian Majority to display their power, was sedulously avoided. This system is connected with the refusal of His Majesty's Ministers to move the Imperial Parliament to give effect to the Consolidation Act before mentioned, which might have procured a repeal of the few British Acts, including 14 Geo. III., Cap. 88, and *made the support of the Civil Government, and the regulation and application of the whole Provincial Revenue of the Crown, depend upon, and be controuled by the Provincial Legislature.* This system of eluding the general controul of the Revenue, will be more clearly perceived, when we come to state the hesitation evinced by Sir James Craig, in the year 1810, to applaud the offer of the House of Assembly to vote *the necessary sums for defraying the civil expenses of the Government of the Province;* the consequences of an acceptance of which, and the ambition in which it originated, were well understood by that intelligent Officer, and by His Majesty's Executive and Legislative Councillors.

Having thus pointed at the interest and disposition of the Government, *preferring the course of obstructing the career, instead of reforming the abuses of a vicious Constitution*, we proceed to review the events of the second Session of the third Provincial Parliament of Lower Canada.

This Session was opened by the Lieutenant Governor, *recently raised to the dignity of a Baronet of the United Kingdom*, with a most gracious speech, beginning with delusive expectations of settled peace in Europe, and alluding to the late successes of His Majesty's arms in Egypt. After remarking the tranquillity and prosperity of the Province, blessed with abundant crops of Grain, His Excellency congratulated both Houses on the entire suppression of the troubles caused by discontented occupiers of the Crown Lands, many of whom having been ejected by the Patentees, had broken out into riotous proceedings, before quitting the Province, subjecting themselves to being stigmatized by his Excellency, as *a band of lawless adventurers*, to exterminate whom, it had been necessary to appeal to the loyalty of the great majority of His Majesty's Subjects. The late coalition of the Northern Powers of Europe, had induced His Majesty's Ministers to look to the Colonies for supplying some portion of Naval Stores, in case of future emergency; and His Excellency stated the commands of His Majesty to take into consideration the means

of introducing and encouraging the culture of hemp in this Province, which subject, was therefore recommended to the Legislature; and expectations, equally sanguine and delusive, of success were expressed. * The continuation of the Act for establishing Houses of Correction, was recommended; with reference to which establishment, His Excellency made some pertinent remarks as to the means of producing habits of industry in convicts, particularly those who might be still young and guilty of minor offences. After announcing his intention of laying the accounts of the Provincial Revenue of the Crown before the House of Assembly, His Excellency ended his speech, by stating to both Houses, his confidence in their zeal and prudence in pursuit of the prosperity of the Province, and his anxious wish that no Session of the present Parliament should pass by, without being distinguished by some plans conspicuously productive of public advantage.

The addresses of both Houses were confined to the topics of the speech, *dwelling emphatically on the extermination of the lawless adventurers;* and it is worthy of remark that the Legislative Council introduced the same topic, in an extraordinary address presented at the same period to congratulate His Excellency on the hereditary rank of Baronet, conferred upon him by His Majesty.

On the 12th of January, Mr. Taschereau, Grand Voyer, or Superintendant of Roads and Bridges, brought in a Bill "*to explain, amend and reduce into one Act of Parliament, the laws for making, repairing and altering the Highways and Bridges in the country parts of this Province.*" This measure was proposed, after due deliberation, by the Officer who had experienced the deficiencies of the laws; and, in the course of the discussion of merits, many suggestions of improvement were made, calculated to combine local with general advantages; but the old opposition to the Road Act, reappeared, with all their prejudices and jealousies; and employing the manœuvre of absenting themselves, a quorum could seldom be obtained; and this promising Bill, languishing through several stages, died a natural death before the end of the Session.

It should be mentioned that the presence of men, with habits of business, gave great activity during the Session; and we occasionally find at once a reference to a Committee of the whole House, of measures recommended by the Executive, particularly when the continuance and amendment only of previous Acts were in question;

* It requires extraordinary encouragement to induce a people to cultivate any article with no other and more immediate view than Commerce; but when their own wants oblige them to attempt the production of what is connected with their subsistence or luxurious indulgence, in eating, or drinking and clothing, they are easily stimulated to action by Government. On this principle, the cultivation of Tobacco, the breeding of Cattle and Hogs, the raising of a surplus of Grain, the distillation of Spirituous Liquors, could easily be promoted in the Canadas;—in the same manner, also, we have seen the cultivation of Cotton and Rice and the extensive breeding of Sheep for the sake of their fleeces, almost spontaneously introducing themselves into the United States.

the despatch of business was also facilitated by the circumstance of several Executive Councillors, in the House, being enabled to state *whether His Majesty's prerogative would admit of the progress of the measures proposed.* It will hereafter appear that, when the jealousies and intrigues of the Majority had prevented the election of Members belonging to the Executive, several measures were introduced and passed by the Assembly, which were necessarily rejected in the Legislative Council, on account of their interference, *whether casual or designed,* with the prerogative of the Crown.

Roads &c

When it was found that the English practice, of making Counties or Cities pay for local improvements, would not be enforced in Lower Canada, but that improvements would be paid out of taxes on Commerce, the peasantry readily combined in petitioning for Roads and Bridges at the public expense; and various applications this Session were made, which might have induced an intelligent man to anticipate the extraordinary vote of Fifty-five Thousand Pounds for the improvement of *internal communications in the year* 1817.* When persons interested applied for a Road or a Bridge at the public expense, *taking the opportunity of some fatal accident arising from their negligence to perform road labour,* they alledged that the safety of His Majesty's Subjects, Travellers, and the interest of Commerce, required such an expenditure; and the petitions, signed by the *Curates, Captains of Militia, and Seigneurs,* were generally urged upon the Members of the Assembly, who, if not otherwise interested, were given to understand that their re-election would depend on their success in obtaining the prayers of such petitions. *Instead, therefore, of County or District Roads, Bridges, or Court-Houses, and Gaols, as customary in Britain, in Upper Canada, and in the United States, being their own expenditure, we have such works at the general charge of the Province.*

Hemp

The encouragement of the culture of Hemp was taken into consideration at an early period of this Session, and the Committee appointed, reported favourably on the subject.

On the 19th of February, Mr. M'Gill presented a Petition, praying for an Act to regulate Apprentices, Journeymen, and Domestics, who were represented as violating their engagements with impunity. A Bill was introduced for the redress of those grievances, empower-

* We have heard of the British and other liberal Governments voting money for the cutting of Canals, reserving, however, to themselves, the produce of the Tolls; we have heard, likewise, that the Government of Great Britain have occasionally contributed half the expense of the County Roads; but we could never have imagined that any Government should have acted as that of Lower Canada, in taking a sum equal to a whole year's revenue of the Country, for the purpose of applying it through interested Commissioners, to merely local improvements. *The House of Assembly which originated, the Legislative Council and the Governor who sanctioned such a measure, must be charged by posterity with their just shares of blame in so flagrant a deviation from their respective duties;* let us, at least, hope that such an application of public monies, for private purposes, *as proved by facts,* will never recur.

ing the local magistracy to make regulations, subject to the approval of the Court of King's Bench of Quebec and Montreal.

The Act of this Session, continuing an Act for establishing Houses of Correction, authorised the application of one hundred pounds for renting a house, paying a keeper, and providing the stock of materials requisite for setting convicts to work. This essay towards an establishment, separate from the District Gaol, has, of late years, been very injudiciously abandoned; and the lower part of the said Gaol, appropriated as a House of Correction, *from views of economy*, has only tended to the increase of crimes, by the communication, which this location facilitates, between the objects of the correctional Police, and the more hardened inmates of the Prison.

On the 13th of February, *Mr. Bertheiot*, seconded by *Mr. Planté*, moved to resolve that, on the 15th of February, the House would go into Committee to consider the expediency of establishing a pecuniary allowance to be made to the Speaker and Members of the Assembly. This motion was strenuously opposed, as contemplating a measure contrary to the practice and spirit of the British Constitution; but the united efforts of the English Members and the Canadian Placemen, could not at once defeat the motion. By obtaining, however, a call of the House for the 8th of March, they were able to rally their whole force and influence, and on that day, they succeeded in throwing out the motion, by the usual vote of a postponement till the 1st of August next.

Pay to Members.

On the 21st of March, an important Bill, which afterwards became a law, was passed for the regulation of the Police, within the Cities of Quebec and Montreal, and the Town of Three-Rivers. This Act is remarkable as containing the first symptom of prospective policy in the Majority of the House of Assembly; for it has a proviso, that, whenever the Inhabitants of any Village, consisting of not less than thirty inhabited houses within a space of fifteen acres square, shall petition the Court of General Quarter Sessions of the Peace for the District in which it may be situated, for the establishment of regulations of Police, the Justices are authorised and required to grant the prayer of such Petition, by framing Rules and Orders, with proper fines and penalties, and submitting the same for approval to the Justices of the Court of King's Bench, as provided in the same Act, with respect to the Cities of Quebec and Montreal, and the Town of Three-Rivers.

Police bill

The accounts of the Provincial Revenue of the Crown showed an increase of seven thousand pounds; but the only appropriations required and sanctioned by Government, were four thousand pounds to replace the like sum advanced by His Majesty for the erection of Court Houses, and two hundred pounds sterling, likewise advanced, pursuant to an Address of the House of Assembly, for the purchase of Books, ‡ *chiefly French.*

‡ The Library of the House of Assembly, was this Session under consideration of Mr. Justice Panet, and other Members of a Special Committee, who classed the

The Annual Vote for printing the Journals of the House, was this Session accompanied with an order to frame Indexes, to facilitate reference to the contents of the whole series, which had now extended to ten volumes.

Some differences of opinion occurred between both Houses, this Session, causing the loss of a Bill introduced by Mr. Justice Panet, to regulate the mode of granting the remedy under the French Law, called *Bénefice d'Inventaire*, which materially interested the natives of the Country.

On the 5th of April, the Lieutenant Governor gave the Royal Assent to eleven Acts, five of which were for the purpose of continuing previous Acts, and all were for definite times, except that for disqualifying *Charles Baptiste Bouc*, which was to continue in force until it should please His Majesty to grant him his gracious pardon, and release him from the legal consequences of his conviction of conspiracy to defraud Etienne Drouin.

It does not appear, from inspecting the Journals, that the brilliant expectations of His Excellency, from the labours of the Assembly, were realized; but it seems to have been resolved by the Executive, to pursue the laudatory strain. The closing Speech of the Lieutenant Governor, avoiding all invidious distinctions between the conduct of the two Houses, ascribes to both an active and steady zeal *for the general interests of the Province.* His Excellency expresses, in the warmest manner, his reliance on the beneficial influence of the Members in their several Counties during the recess, and points to the foundation of the prosperity and happiness of the Country, resting upon Agriculture and Commerce, and secured by a correct administration of justice, under the free and protecting Institutions of the Mother Country, the benefit of which would be fully appreciated by the increasing intelligence of a loyal people.

Books, and ordered them to be preserved in portable cases, having the contents of each case marked on the outside; the House passed Resolves, allowing the use of the Library to the Governor, Lieutenant Governor, the Executive and Legislative Councillors, &c.; which Resolves were communicated to the Legislative Council by Message, and thankfully received by that body.

CHAP. VII.

A. D. 1803 & 1804.

Preliminary Remarks on the temporising conduct of the Administration, and the probable causes of this conduct. Views of influential individuals, as to the establishment of a Landed Aristocracy and hereditary Titles of Honour in Lower Canada.—The Clergy Reserves.—Speculations in long Leases of Lands and Rights, held in mortmain by Nunneries.—Third Session.—Lieutenant Governor's Speech.—Effects of War in Europe on the Trade of Canada.—Presentments of the Grand Juries of the Districts of Quebec and Montreal, on the subject of new Gaols and Houses of Correction.—Improvement of the Militia Laws recommended by his Excellency.—Despatch of Business recommended.—Tendency of the Constitution to the formation of an Oligarchy, connected with the Executive.—The House of Assembly reports in favour of new Gaols, &c.—State of the Provincial Revenue.—Some French Canadian Placemen in favour of innovations.—Mr. Justice Panet's project of abolishing Interment in the Churches of the Province.—Conveyance of Travellers by the Maitres de Poste at this time contrasted with the facilities afforded by Steamboats.—The Militia Laws amended.—New mode of intercourse between the Legislative Council and the House of Assembly.—Call of the Members of the House of Assembly.—Agitation of the question of abolishing the Slavery of Negroes within the Province.—This question superseded by the opinion of Chief Justice Monk, in favour of the absolute freedom of all Negroes, while residing in the Province.—Precautions of the House of Assembly on the subject of Grants of Tolls.—Bill of Supply to His Majesty.—Abortive attempt, on the part of Mr. Young, to establish a Register Office.—Reflections.—Propensity of the Majority to expend the Public Money in translating English Precedents into French.—End of the Session.—Fourth, or extraordinary Session of the Provincial Parliament, held in consequence of the renewal of War in Europe.—Prompt attendance of the great Majority of the Members of the House of Assembly.—The Lieutenant Governor's Speech to both Houses, read in the absence of Mr. Papineau, without the usual salvo of previously reading a Bill. Addresses in reply to the Lieutenant Governor's Speech.—Unanimity and despatch of the House of Assembly in passing the Bills for the renewal of the Acts for the better preservation of His Majesty's Government and the Regulation of Aliens.—Differences on the Bill from the Legislative Council, making it the duty of Romish and other Parish Priests to read Acts of Parliament, Proclamations, &c.—Bill for the Regulation of Volunteers, introduced by Mr. Papineau, rejected by the Legislative Council.—End of the Session.—The effects of the renewal of the War in Europe upon the Commerce of the Canadas.—Progress of Industry and Internal Trade ascribed chiefly to external and

fortuitous causes.—Anti-commercial System of the Assembly in taxing Merchandise for all purposes.—This System deters the Executive from proposing Internal Improvements.—Fifth Session of the Third Provincial Parliament.—His Excellency's Speech; its recommendations, and commonplace eulogiums on the Legislative Bodies.—The Address of the Legislative Council not the usual echo to his Excellency's Speech, and differing in this respect from that of the House of Assembly.—The House chiefly occupied on the question of building new Gaols, and on the means of preventing Accidents by Fire in Quebec and Montreal.—Abortive attempt to establish an additional Judge and Court Term for the District of Three-Rivers.—State of the Provincial Revenue and Expenditure.—Progress of Population and Commerce in Upper Canada.—Important Presentment of the Grand Jury of the District of Montreal, recommending an Assessment to defray the expense of building a Gaol for that District.—Characteristic Treatment of that Presentment by the French Canadian Majority of the House of Assembly.—The Quorum of the House reduced for the remainder of the Session to Twelve Members.—Bill for amending the Ordinance for the prevention of Accidents by Fire.—Causes of its rejection in the Legislative Council.—Reflections on the well founded jealousy of the other Branches of the Legislature with respect to the systematic Policy of the Assembly in replacing permanent by temporary Acts.—The Legislative Council objects to the appointment of Commissioners by Bill to treat on Financial matters with Upper Canada.—Conduct of the Majority of the House of Assembly on the subject of a Grant solicited from the Crown for the scite of the District Gaol in Montreal.—Important question as to the Religious Rights of Presbyterians in Lower Canada, excited by the opinion expressed by the Chief Justice of the Province in the Court of Appeals.—Claims of Presbyterian Congregations in connection with the National Church of Scotland.—Supply to His Majesty this Session.—Act for the Inspection of Beef and Pork.—Number of Acts passed.—End of this Session, and of the Third Provincial Parliament.—Reflection on Grievances, real and imaginary.

In our last Chapter, we touched upon the temporising Policy of the present Administration. The Members of the Executive were generally advanced in years; and the few English comprised in it, having been foiled in every effort to introduce the spirit of British Legislation into the practice of the Constitution, now appear to have turned their attention to the improvement or repair of their private fortunes, *leaving the Country to vegetate like an unweeded garden.* That Section of the Constitutional Act, which authorised His Majesty to add hereditary titles of honour to the office of Legislative Councillor, had long fixed the attention of some individuals ambitious of founding families; and the French Law of Substitution or Entail, restricted to the third generation, was chosen as the first means of securing the fortunes of descendants, till the course of events should facilitate the introduction of the English Law of Primogeniture, so well calculated for establishing a landed aristocracy on a stable foundation. An im-

portant instance of the employment of the French Law of Substitution, with the view of founding a family, is that of the late Honourable Henry Caldwell, who entailed one of his Seigniories upon his grandson. On the other hand, those who had obtained large Grants of the Waste Lands of the Crown under the English Tenure, looked forward to the period when, *agreeably to the spirit of the ninth Section of the Act* 14, *Geo. III. cap.* 83, *the English Laws of Descent, and consequently the right of Primogeniture, should be introduced into the Townships of Lower Canada.* Not only, therefore, were the applicants for Township Lands animated with views of immediate interest, but likewise with the hope of establishing an Aristocracy at a future day; and, as many of them entered into the composition of the Government, they naturally expected to render the duties and expenses of Settlement almost nominal, or at all events capable of being transferred as a burthen upon those who might purchase a portion of their Lands. The Clergy, secured in one seventh of the Township Lands, equally looked forward to the performance of Settlement Duties by means of their Lessees; and as the Lots were scattered systematically, no improvement in Roads throughout those Lands could take place, without encreasing the value of the Clergy Reserves. The environs of the Cities and Boroughs likewise, under the present Laws and Establishments of the Country, afforded opportunities for speculation to persons possessing some influence in the Executive and Legislative Departments. The Lands and Rights, and even *Servitudes*, of the Religious Communities of Nuns, permitted to exist in Quebec, Montreal and Three-Rivers, were obtained on long Leases of ninety-nine years, and turned to account by ingenious Speculators; *in whose hands a mere right to establish a Fishery was converted to that of erecting Wharves and Buildings, first for the use of the Lessee, and after the end of the long Lease, to revert to the Lessor; and thus to perpetuate the wealth and importance of those anomalous Institutions.*

After those preliminary notices, calculated to account for the apathy with which influential individuals looked upon the defects and vices of the Constitution, we proceed to review the events of the Third Session of the Third Provincial Parliament. It was opened on the 8th February, 1803, by the Lieutenant Governor, with a gracious Speech from the Throne, addressed to both Houses, which began with congratulations upon the ratification of the Definitive Treaty of Peace between his Britannic Majesty, the French Republic and other Powers. This event, *contrary to all theory and past experience*, was asserted to be fraught with Commercial benefits to Canada.* His

* It is chiefly when Britain is engaged in War that the Commercial resources of the Canadas are drawn forth and encouraged, by the wants of the Mother Country. To War alone, or to the prospective Policy of preparing for its exigencies, have the Canadas been indebted for the extent of their Trade, more particularly in Grain, Lumber and Provisions. To the same event and policy they owe the benefits arising from the great expenditure of British Revenue in Public Works; and,

Excellency next alluded to Presentments from the Grand Juries of Quebec and Montreal respectively, demonstrating the insufficiency of their Gaols, and the urgent necessity of establishing Houses of Correction in those Cities, for the use of their extensive Districts. A provision for those important objects was urged upon their immediate attention; and His Excellency enlarged upon the duty of the Legislature to use means for the effectual application of the Laws to the correction of minor offences, as being eventually not less important to public morals and the peace of society, than the punishment of flagrant crimes. The continuation and improvement of the Militia Acts were next recommended. After promising to order Statements of the Civil Expenditure of the past year, and of the Provincial Revenue of the Crown, to be laid before the Assembly, his Excellency, addressing both Houses, recommended a continuance of the zeal which, he was pleased to say, had been manifested by them in the previous Session for the public welfare, ending his Speech by recommending despatch of Business, as the obvious means of enabling them speedily to return to the occupations and comforts of their respective private stations. The Addresses of both Houses were echoes to the Speech, promising attention to the objects recommended, with compliments to His Excellency in return for his expressions of unqualified approbation of their previous conduct.

It is, however, remarkable, and in apparent contradiction to this last recommendation, that *Mr. Justice Debonne* proposed, instead of meeting daily as previously practised, that the House of Assembly should meet on Mondays, Wednesdays and Fridays; and that, though this proposal was not formally sanctioned, the House, during this Session, did not actually, on the average, meet oftener than three times a week. *

On the 11th of February, the House proceeded to take into consideration, the Speech of His Excellency; *Mr. McGill and Mr. Justice Debonne* taking the lead in proposing Committees on different subjects; and on the 16th of February, the House in Committee, re-

in this respect, the Colonies of Great Britain, on this Continent, have advantages during War exceeding those of neutral Countries, which are subjected to the plunder and vexations of all the Belligerents, on various pretences.

* This may be ascribed to the wish of the Judges and other Placemen, that their legislative duties should not interfere with their judicial avocations; they naturally considered their presence in the House, essentially calculated to promote the views of the Administration, and correctness in legislative proceedings, which the less informed character of many of the Members was inadequate to supply. This proposal likewise proves the tendency of the Government towards *an Oligarchy, being the only form under the present Constitution, which could prevent the complete ascendancy of the French Canadians*, as already mentioned in our first Chapter; and we may here remark, that the frequent changes of Governors, and the vicissitudes of peace and war, together with other circumstances, render an Oligarchy impracticable in the subordinate Government of Lower Canada, without the expenditure of money for conciliating the Members of the popular Branch, which would render it burthensome to the supreme Government.

ported in favour of new Gaols and Houses of Correction, for the Districts of Quebec and Montreal, and a Special Committee was appointed to enquire into the fittest places for their erection within those Cities, and into the expenses likely to attend the building of the same.

On the 18th of February, a Message was received from His Excellency, accompanying Statements of the Provincial Revenue and Expenditure. The former, having been increased by the amount of arrears of Territorial Revenue, exceeding six thousand pounds, was this year above thirty-two thousand pounds currency, or nearly thirty thousand pounds sterling, while the abstract of warrants granted for the public service, including the quota of duties payable to the Province of Upper Canada, amounting to eleven hundred and seventy-two pounds currency, was thirty-seven thousand and eight pounds seventeen shillings and six pence sterling. The expenses of the Legislative Council, for the past year, were eight hundred and forty-seven pounds nineteen shillings and two pence, and for the House of Assembly, twelve hundred and fifty-one pounds four shillings and four pence, together, two thousand and ninety-nine pounds three shillings and six pence currency. Of the whole expenditure, about twenty thousand pounds sterling were for salaries and other expenses of the Civil Government; three thousand pounds for Pensions and Allowances; and the rest for advances towards the building of Court-houses and Bridges, and the support of other local Establishments.

We find the late Mr. Justice Panet, this Session, zealous to introduce improvements, bearing upon the health and morals of the community, and suggested to his intelligent mind by the progress of science. On the 21st of February, he brought in a Bill "for *preventing the burial of the Dead in the Churches of this Province, and in the Church-yards and Burying-places within the walls of the Towns of Quebec and Montreal.*" This measure excited much clamour among those adverse to every innovation, however judicious; but though not passed into a law, its spirit now prevails, and burials in Churches are chiefly confined to the interment of Romish Priests and Nuns, who are to be considered, in some degree, as separated in life and death from the rest of the community.

In consequence of Petitions from persons employed under license for the conveyance of Travellers by land, a Bill was introduced, giving a more ample allowance to *Maitres de Poste*, by which, at some seasons of the year, five pounds would have been the total fare from Quebec to Montreal, and *vice versa;* that is to say, *about seven pence per mile, exclusive of subsistence;* but the Legislature very properly confined itself to a continuance of previous Acts on this subject; and when afterwards the *Maitres de Poste* became restive, several enterprising individuals, *of English origin*, established covered carriages, running weekly between Quebec and Montreal, furnishing such speedy conveyance and good entertainment to Travellers, at reasonable

rates, as greatly increased the intercourse, by land, between Quebec and Montreal, and the intermediate places. Hereafter, we shall have occasion to notice the introduction of Steam-navigation, by Mr. Molson, which has now reduced the expense of conveyance by water on the communication between Quebec and Montreal, to the lowest charges, on which a person undertaking the journey by land, on foot, would inevitably be subjected.*

The principal subject of discussion this Session, was the improvement of the Militia Laws; and an Act was passed, which, if duly executed, would have rendered that species of force much better prepared for the defence of the Province, than it was found to be at the commencement of the late war between Great Britain and the United States.

This Session is remarkable for a change in the previous mode of intercourse between both Houses, evincing no small jealousy between the Legislative Council and the House of Assembly, and a stricter connection between the former Branch and the Executive, than had previously existed. Till this period, Messages from the House of Assembly to the Legislative Council, had been carried by two Members of the former body; and, from the latter to the former, by one Member; but this Session, Committees of Conference agreed, and it was afterwards resolved by each Branch, that Messages from the Legislative Council should be sent by an Officer of the Crown, of the rank of Master in Chancery, and that Messages from the Assembly, should be sent to the Legislative Council by one Member of the Assembly.

The House and its Committees having been repeatedly adjourned for want of the ordinary quorums for the transaction of business, being *seventeen for the House, and three for Committees*, a call of the House was ordered in the most peremptory form, for the 4th of March; when several Members returned to their legislative duty, and ten were absent. *While Great Britain enjoyed peace, the French Canadian Leaders, at this time, did not expect to increase the importance of the* NATION CANADIENNE, *by their presence in the House of Assembly;* and when, in consequence of the order of the Speaker, *Mr. Joseph Papineau*, Member for the County of Montreal, was brought to Quebec in custody of the Serjeant at Arms, we find him petitioning for a release from his legislative duties, which, after much discussion, was granted for the present Session.

During every Session of the Legislature, the House of Assembly had been agitated on the question of the existence of Slavery of Negroes within the Province; and this Session, on the 1st of March, Mr. James Cuthbert, seconded by Mr. Justice Panet, brought in a

* Raftsmen and common Labourers, as well as Emigrants, can now be conveyed from Quebec to Montreal, for two dollars each, or 1½*d.* per mile, and sometimes, from the spirit of competition in the owners of Steam-boats, *at three farthings per mile*, as deck passengers: this affords such a striking contrast, that our readers will doubtless excuse us for anticipating the regular progress of events.

Bill *to remove all doubts respecting Slavery within this Province, and for other purposes.* This measure was not persevered in, being considered unnecessary, from the decided manner in which the Chief Justice of Montreal had declared that the Criminal Law of England, established in the Province by the Quebec Act, and the Habeas Corpus Act of Canada, might be so construed as to destroy all rights of property in Slaves in Lower Canada. There was, besides, no circumstance of climate or species of cultivation in the Province, which justified the continuation of Slavery; and it was very proper that, as in England, every human being who may touch the soil of the Colonies of Great Britain, on the Continent of North America, should be forthwith recognised as free, without prejudice to private contracts of service.

We find, this Session, the first application for authority to erect a Bridge over the Montmorenci, and exact a Toll; and a Bill for this purpose was introduced by Mr. James Cuthbert; but little progress was made; and we shall hereafter find that the House became cautious, and ordered several preliminary enquiries to be made, and public notices to be given of the objects of such applications, before taking them into consideration.

On the 9th and 11th of March, several Members obtained leave of absence; and occasional adjournments, for want of a quorum, took place during the remainder of this Session.

On the 14th of March, a Bill for a Supply to His Majesty, was introduced, amending the Act 35, Geo. III., and increasing the duties on Licenses which it imposed; but this measure was not persevered in; and the House merely passed another Bill to replace advances made by His Majesty for the building of Court-houses, amounting to six thousand pounds, to be taken from the unappropriated produce of the duties levied by the permanent Acts 35, Geo. III., Caps. 8 and 9, and 41, Geo. III., Cap. 14.

On the 1st of April, Mr. Young introduced a Bill for Enregistering certain Deeds, and Certificates of Deeds affecting Real Property, granted by His Majesty in Free and Common Soccage;—but this attempt to obtain a Register Act, completely failed; and, after repeated endeavours in the House of Assembly, and the actual passage of a similar Bill in the Legislative Council in the year 1825, *this Province remains unprotected from the accumulating evils of mortgage frauds, and secret transfers of property.*

On the same day, an Address was voted to His Excellency, to be accompanied with plans and estimates for the erection of Gaols and Houses of Correction for the Cities and Districts of Quebec and Montreal, praying that His Excellency would, in behalf of His Majesty, grant the necessary lots of ground for the scites of those buildings; to which Address, a favorable answer was received from His Excellency, who was pleased to say, that he would take every

measure which depended upon him to advance the objects proposed.

On the 9th of April, the propensity of the Majority to accumulate expenses, by translating English Laws into French, was evinced by a resolve to apply the sum of two hundred pounds to the translation of the *Lex Parliamentaria.* The Lieutenant Governor was induced to acquiesce in this measure; *but, when the House of Assembly, at a future time, voted a much larger sum for the translation into French of the voluminous work of Hatsell's Precedents, His Honour, President Dunn, deemed it expedient to check this propensity, by refusing to make the advances before provision should be made for the expense, by an Act of the Legislature.*

The business of this Session was much interrupted by the absence of Members; but the French Canadians took care to be sufficiently strong in the House, to defeat all attempts at innovation on the Laws and Customs of the Province, *being equally regardless of the examples of improvement held forth by the course of Legislation in France, England, the United States of America, and Upper Canada.*

After having voted considerable sums for the yearly increasing expenses of the Assembly, the House, on the 14th of April, was commanded to attend His Excellency in the Legislative Council Chamber, where the Speaker appeared, accompanied with only seventeen Members. The Royal Assent was given to six Acts, already alluded to in the course of our preceding remarks; and His Excellency closed the Session with a Speech containing the usual topics of praise for past conduct, and pleasing anticipations for the future.

The treaty of Amiens, on the conclusion of which, *Lieutenant Governor Milnes* had so recently congratulated the Parliament of Lower Canada, was soon found to be only a hollow truce between France and England, during which, *Napoleon Bonaparte* was unceasingly occupied with schemes of unprincipled ambition, more connected with the aggrandizement of himself and his relations, than with the happiness of the thoughtless and infatuated Frenchmen, who had suffered themselves to be harnessed to the triumphal car of this Corsican adventurer. The rapid extension of the effects of his ambition, in Italy and Switzerland, was accompanied by such taunts and insults to England, that a rupture became inevitable; and, in the month of May, His Majesty recommenced war, with a more general support from the British Parliament and Nation, than had been experienced since the period of the conquest of Canada, in the Administration of the elder Pitt.

Official intelligence of the war between Great Britain and the French, and the Batavian Republics, having reached Quebec in July, 1803, the same was communicated by Proclamation; and in virtue of a section of the Militia Act, the Provincial Parliament, which stood prorogued till the 24th of August, was summoned to meet, *for the despatch of business,* on the 2d of the same month.

This extraordinary Session was opened by *Lieutenant Governor*

Sir Robert Shore Milnes, with a short Speech, announcing the commencement of hostilities, and recommending the renewal of the expired Acts for the regulation of Aliens, and for the better preservation of His Majesty's Government.

The promptitude with which the great Majority of the Members of the House of Assembly repaired to Quebec for the public service, was a topic of eulogium in the Official Gazette; and the Addresses of both Houses to His Excellency, were replete with sentiments of loyalty and patriotism.

The zeal of the Majority was so great, that the accustomed salvo of privilege was omitted; and, without waiting for the introduction and reading of any Bill, the Speaker was requested, immediately after the return of the House, to report His Excellency's Speech, which being done, a Committee of five Members was appointed to frame the Address in reply.*

The utmost unanimity prevailed in passing the temporary Acts alluded to in His Excellency's Speech; but even this short Session of ten days affords some specimens of opposition to the Executive, and differences between the Legislative Council and the House of Assembly. The increase of new Laws bearing upon the public duties of an uneducated Population, whose plea of ignorance could not always be equitably rejected, induced the Government to devise more suitable means than the press, for the communication of Laws to the unlettered Peasantry; and, at the suggestion of the Executive, the Legislative Council passed a Bill, entitled "*An Act for the more ample publication of certain Acts of the Provincial Parliament*," by which it was enacted, *that all Rectors, Curates, or other Priests or Ministers of the several Parishes or Churches of this Province, shall publicly read after Divine Service in the morning, at the Presbytère or other usual places, where the legal assemblies of each Parish are held, all Acts and Proclamations, or any part thereof, when and so often as they or either of them shall be thereunto required by the Governor, Lieutenant Governor, &c.*; and, for this purpose, it was further enacted, *that all such persons should be furnished, by the Clerk of the Legislative Council, with copies of the Laws passed at each Session of the Provincial Parliament.*

When this Bill on the 8th August was moved to a second reading in the House of Assembly, Mr. Papineau, who abhorred the measure, *as being calculated to facilitate the extension of the influence of the Executive over the Romish Priests, and, through them, over the Constitu-*

* Mr. Joseph Papineau, who had absented himself during the previous Sessions, took the oaths and his seat on the 3d of August; and his name appears on the same day as one of the Messengers sent to His Excellency to learn when he would be pleased to receive the House with its Address. We may here remark, that the attendance of Members was considered of such consequence, that *the names of those who had performed their public duties were ordered to be recorded in the Journals of the House, being in all thirty-seven.*

ents of the Majority, moved in amendment that the question should be postponed till 1st September next; and this means of defeating the measure failed only by the casting vote of the Speaker. The opposition next endeavoured to substitute the oldest Captains of Militia for the Priests; and this warlike movement had momentary success; but, as in the celebrated case of the Road Act in the year 1795, the friends of the Administration rallied their Forces, restored the Priests, and the Bill was finally passed on the 10th of August, without amendment.

Another measure, recommended by His Excellency, was the encouragement and discipline of such Corps of Men as should voluntarily offer their services for the defence of their Towns and Coasts, or for the general defence of this Province during the present War. A Bill for this purpose was introduced by Mr. Papineau, interfering with that complete controul of Militia arrangements which the Law had invested in the Governor; and as the measure did not appear calculated to extend the powers of the Executive, the Bill passed by the Assembly, after some unsuccessful efforts to render it acceptable, was not proceeded upon in the Legislative Council before the Prorogation, which took place on the 11th of August, 1803.

The closing Speech of His Excellency to both Houses acknowledged the alacrity with which they had provided for the primary objects of his recommendation; alluded to the late successes of His Majesty's Arms in the West Indies, as being events connected with the security of the Province; and finally intimated to the Members the importance of their unremitted exertions, in such times, to disseminate throughout the Colony those principles of loyalty by which they appeared to have been actuated.

During the recess, the effects of the War, carried on with vigour, was extensively felt, in the encreased demand for Grain, Flour, Provisions, Lumber, and other articles of Canadian Produce in the British Markets; all which were admitted for Home Consumption, Duty free, with the exception of Grain, Flour, Furs and Peltries, which paid moderate Duties. Shipbuilding, which had been gradually augmenting at Quebec, was soon destined to be commenced at Montreal; and, being a branch of Industry which can be exercised during the long Canadian Winter, it was as much recommended by this circumstance of continual employment, as by the scope which it afforded to the clearance of Lands, by the internal demand for Timber thus created. As being connected also with the encouragement to clear Lands, we should mention the encreasing manufacture of Pot and Pearl Ashes, of which articles above a thousand tons were this year exported from Quebec to the Ports of Great Britain. The Trade of the Country, Inland and Foreign, augmented by the demand caused by the War in Europe, had obtained no direct encouragement from the Local Government and Legislature; on the contrary, it will appear that *the Majority of the House of Assembly extended their pernicious and Anti-*

commercial system of taxing Merchandize for every species of Public Expenditure, stigmatising Commerce as the cause of the encrease of crime, and necessitating the erection of Courthouses, Gaols, Houses of Correction, Hospitals, &c. Such conduct and misrepresentation, blended with compliments to the simple and negative virtues of the plodding Peasantry, could not fail to please the great body of Electors, and to insure the re-election of the same Members, *giving a complexion decidedly French, Feudal and Anti-commercial to the Legislation of Lower Canada, and finally deterring His Majesty's Representative and the Inhabitants of British origin from agitating any measures of improvement in the Lower House, except when forced to do so by the wants of an encreasing Population, and the importunities of the Inhabitants of Upper Canada and the adjoining States; whose Commercial relations with Lower Canada required the facilities of good Roads, Bridges, Canals, the improvement of Rivers, and the means of Conveyance by Land and by Water.*

The Fifth and last Session of the Third Provincial Parliament was opened on the 10th February, 1804, by the Lieutenant Governor, whose Speech, as usual, began with business and ended with compliment, breathing acknowledgments for past and expectation of future instances of duty and loyalty. His Excellency ascribed to both Houses uncommon anxiety to continue the Acts revived last Session, for the regulation of Aliens and the better preservation of His Majesty's Government; and he reminded them of the expiring Act for the relief of Insane Persons and the support of Foundlings, referring to the beneficial effects of that humane Law during an experience of four years. Alluding to the repeated occurrence of Accidents by Fire, his Excellency expressed a hope that this Session would not pass by without some provision for their prevention or for restraining their disastrous effects, stating farther that, in consequence of the destruction of the Gaol of Montreal by one of those accidents, he had been obliged to give directions for such reparation of the ruins as might serve as a temporary Prison, the expense of which would be laid before them. Addressing the House of Assembly, his Excellency next promised Statements of the Provincial Revenue of the Crown, and of the Civil Expenditure of the past year; after which, addressing both Houses, he attempted to excite their emulation, by referring to the important advantages of unanimity and energy, exhibited in the public affairs of the Parent State. Pledging himself to perform his part, His Excellency ended his Speech with the most earnest recommendation of unanimity and vigour in the despatch of the public business.

The Address of the Legislative Council, though expressed in respectful language, was not that echo to the Speech which was usually given; it was brief, and alluded, in general terms only, to the recommendations contained in the Speech; *and the spirit of this composi-*

tion seemed calculated to deprecate the style in which His Excellency mingled eulogium of the past with brilliant anticipations of the future, on every occasion of meeting the Legislature.

The Address of the House of Assembly was a perfect echo to the Speech, containing promises of unanimity, zeal, and despatch, which were very imperfectly performed.

Before the Speaker was permitted, however, to report the Speech, the Majority took care to resume the salvo of privilege omitted in the Fourth Session; and leave was accordingly granted to Mr. Berthelot to bring in a Bill to continue "*an Act for establishing Regulations respecting Aliens and certain Subjects of His Majesty who have resided in France, coming into this Province, or residing therein*"—which became a Law without any material debate or discussion. The other temporary Acts recommended to be continued by His Excellency, as matter of course, and other expiring Laws were duly renewed.

The means to be devised for the prevention of Accidents by Fire, and the discussions on the mode in which the expense of erecting a Gaol in Montreal, together with the choice of a fit spot for its location, were the subjects that chiefly produced debates, and called forth the peculiarities of the ambition of the Majority. This Session is also remarkable for the first attempt to establish the Corporation, called afterwards the Trinity House of Quebec, for the better regulation of Pilots and Shipping, and for the improvement of the Navigation of the St. Lawrence; but this measure was postponed, as being less urgent than others, which came home to the business and bosoms of the Majority. An attempt was also made this Session, by the Representatives of the Borough of Three-Rivers, to have its Courts of Justice on a more extensive scale, with two Sedentary Judges, instead of one, and four Court Terms, instead of two; and very plausible arguments for this extension were found in the encreasing Population and Commerce of that Borough and District, and in the expected progress of the new Townships. This measure was, however, opposed with success, by the Attorney-General, *Mr. Sewell, who appears to have doubted the progress of the settlement of the Townships under the influence of French Law and of the late arrangements of the Land Board.* Leave of absence having been granted to *William Smith, Esq.*, Master in Chancery, a second Officer of that rank was appointed by the Lieutenant Governor, in the person of *Charles Delery, Esq.:* and this new appointment of an Officer, to whose other duties was attached that of carrying Messages from the Legislative Council to the Assembly, was communicated to the latter Body by one of its Members, *the Honourable James M'Gill, an Executive Councillor*, and no objection to this new appointment was made by the Majority.

On the 9th of March, *the Honourable Mr. M'Gill* presented a Message from His Excellency, accompanying Statements of the Provincial Revenue of the Crown, and the Expenditure for the year end-

ed the 5th of January, 1804, which Message was read, all the Members standing uncovered, agreeably to the etiquette of the British House of Commons on similar occasions. The amount of the Revenue was thirty-two thousand two hundred and seventy-six pounds, currency, and that of the expenditure, thirty-six thousand eight hundred and seventy-one pounds sterling, or about forty-one thousand pounds currency; *and we may here remark, that the excess of the expenditure over the Revenue, had always been defrayed by the British Government, without, in a single instance, urging the House of Assembly to make good the deficit.* The amount of Drawbacks of Duties to which Upper Canada was this year entitled, was one thousand three hundred and forty pounds sterling, showing a decided increase in the consumption of dutiable articles in that Province, whose population was now augmenting by emigration from Scotland, under the auspices of the enterprising, though singularly unfortunate, Earl of Selkirk; whose eventful undertakings must hereafter be frequently mentioned, as having been the means of enforcing the attention of the British Government to the state of the Canadas.

On the 10th of March, the Lieutenant Governor communicated to the Assembly, by a written Message, a statement of the expenditure for a temporary Prison in Montreal, amounting to six hundred and fifteen pounds currency, accompanied by a Presentment of the Grand Jury of that City and District, addressed to the Justices of His Majesty's Court of King's Bench. This latter Document is of such importance, with respect to the financial principle which it supports, that we deem it expedient to make a few extracts from it, and to give the names of the subscribing Jurors, the Majority of whom were unquestionably the richest, best informed, and most respectable persons belonging to the City and District of Montreal. The Grand Jurors, having stated in their Presentment the absolute necessity of a speedy provision for a permanent Gaol and House of Correction, suitable to the growing wants of the increasing population of that large District, proceed as follows:—

" No question can therefore arise upon the subject, but as to the " mode of making Provision for the expense to be incurred; and on " this head, they conceive there is no impropriety in the Grand Jury " expressing their sentiments.

" *They hold it as a general principle, to be economical and wise,* " *that the expense of local objects should be defrayed by local means.*

" *An Assessment upon the District of Montreal, for a Gaol and* " *House of Correction, cannot possibly be burthensome to the Inhabi-* " *tants thereof, and is, in our opinion, the proper means to be re-* " *sorted to, on the occasion.*

" *The uniform practice of the Mother Country, in this respect,* " *where the subject of Finance, both general and local, is thoroughly* " *understood, not only sanctions, but strongly recommends this mea-*

" *sure; and it will be wise to be guided by her experience of the salu-*
" *tary effects which have resulted from such a system.*"

The Grand Jurors, after alluding to the alarming increase of crime within their large and central District, and to the late destructive fires which had taken place, finish their Presentment, by stating the necessity of an Act, *for the purpose of strengthening the hands of the Magistrates of Montreal, for the prevention of accidents by fire.*

The names of the subscribers to this important Document, dated Montreal, the 10th of September, 1803, are *Ls. Guy, James Dunlop, J. Bouthillier, J. G. Delisle, J. M. Mondelêt, Ls. Chaboillez, John Ogilvie, M. Kay, J. Hervieux, John Blackwood, Junr., Joseph Frobisher, John McKindlay, Mce. Blondeau, John Lilly, Gab. Franchère, R. Cruikshank, St. Geo. Dupré, John Richardson, François Desrivières, James Caldwell, J. P. Leprohon.*

The Financial doctrine contained in this Presentment, was so contrary to the views of the Majority of the House of Assembly, that it was not treated with the regard which it deserved; and, though it contained important matter on the subject of accidents by fire, it was not ordered to be referred to the Committee appointed, about this time, to bring in a Bill for the prevention of such accidents.—*This Presentment, however, was employed to influence the approaching Election, as containing a Doctrine revolting to the penurious habits of the Peasantry, who found in it an extension of the principles of the Road Act, which first laid a contribution on their labour for local improvement.*

We return to the events of the Session, by stating that the absence of Members, for Electioneering and other purposes, had, on the 10th of March, so much reduced the number of those present, that the quorum for the remainder of the Session was, *by the casting vote of the Speaker, ordered to be* TWELVE MEMBERS.

The same day, the Bill for amending the Ordinance and Act for preventing Accidents by Fire, was committed; and some progress having been reported, leave was obtained for the Committee to sit again. This very important Bill, having been much modified in its passage through the House, by the Majority, *who were not inclined to give any encouragement to proprietors covering their buildings with Tin and Iron, instead of Shingles,* was amended in the Legislative Council, for the purpose of such encouragement; and, after a conference between the Houses on the disputed points, the measure was laid aside; *nor has the yearly increasing importunity of the Cities of Quebec and Montreal yet succeeded in obtaining any amendment of the Ordinance and Act for preventing Accidents by Fire.* The endeavours of the Citizens for this purpose have been the more weakly seconded by the Executive; *because the ambition of the Majority of the House of Assembly, had now declared war against all permanent Acts;* and, as the question whether a temporary Act could suspend a permanent

Act beyond the period of the existence of such temporary Act, had not been settled (as it may now be considered from the revival of the old Militia Laws in this present year 1827) the Government, as will hereafter appear, was extremely cautious in calling for the exercise of the Powers of the House of Assembly, *which were generally employed by the Majority to encroach upon His Majesty's Prerogatives, and cramp the operations of the Executive.*

The conduct of the Majority now began to interfere with that spirit of compromise which had previously existed; and the Legislative Council, in self-defence, began to scrutinise the pretentions of the Assembly, with that legal acuteness which the composition of the Council enabled it to bring to such questions. This present Session, when the Assembly had sent up for concurrence, a Bill appointing Commissioners to meet Commissioners to be appointed by Upper Canada, on the division of Revenue, which Bill contained the names of the proposed Commissioners, the Council amended it by investing the nomination and appointment of the Commissioners in the Governor, *considering them as a kind of diplomatic mission to be regulated agreeably to the analogies of the treaty making power, inherent in the Crown.* A long and interesting conference took place between both Houses on this subject; when the Managers for the Assembly attempted to establish a distinction between Missions on questions of Revenue, and Missions for General and International purposes. The influence of the mercantile interest, the practice hitherto followed, and the urgency of the measure, prevailed on the Council to withdraw its amendment, *not, however, without protesting against this concession being drawn into precedent;* and the Bill received the Royal Assent at the end of the Session.

With a view to call in question the Territorial Prerogative of the Crown in virtue of the Conquest, the Majority of the Assembly refused to proceed in voting a Supply for the building of a Gaol in Montreal, before appointing Commissioners to inquire whether no private individuals had claims on the lot of ground proposed to be granted by His Majesty for its scite; but the Bill passed for this purpose, was rejected by the Legislative Council; and the next Assembly, importuned by the Citizens of Montreal to make provision for so urgent an object, accepted the proposed lot of ground with that sullen discontent, which characterises disappointed ambition.

A late opinion of the Chief Justice, expressed in the Court of Appeals, having called in question the legality of numerous Marriages, solemnized by Ministers not belonging to the Protestant Episcopal and Romish Church, the greatest alarm and anxiety took place in the minds of Presbyterians and other Protestants, *causing some to apply to the Lord Bishop of Quebec, for a Ratification of Marriages of long standing, by a new Celebration of the Rite, agreeably to the forms of the Church of England.* But this being no remedy to the civil effects of illegal Marriage, an Act was passed this Session, to quiet the

minds of the interested, by confirming all Marriages which had been solemnized since the Conquest, by Ministers and Justices of the Peace, enacting that all such Marriages, from the day of their celebration, shall be held good and valid in law, to all civil effects, intents and purposes.

The opinion expressed in the Court of Appeals, having placed the Presbyterians in connection with the General Assembly of the Church of Scotland on the footing of Dissenters within the Province, a Bill was introduced into the Assembly for their relief; but this measure was not persevered in, owing to the repugnance of this alledged branch of the established Church of Scotland to be publicly designated as Dissenters; *and they have never ceased to urge their claims to participate in the confidence, support and patronage of the Government, as a Church co-ordinate in civil and religious rights, with the Protestant Episcopal Church.*

The Supplies voted this Session, were three thousand three hundred and ninety-one pounds seven shillings and ten pence currency, to make good the deficiency in the Funds for paying the salaries of the Officers of the Legislative Council and Assembly, and the contingent expenses thereof, and one thousand six hundred and ninety-one pounds four shillings, to replace advances by His Majesty, towards the completion of the Court-houses of Quebec and Montreal;—for the translation of the Lex Parliamentaria, two hundred pounds, and, to balance an account of Books purchased, seventy-five pounds.

The only new Act, affecting Commerce, passed this Session, was one for the inspection of Beef and Pork, containing regulations for the curing and packing of Provisions, and the conduct of Inspectors appointed for the purpose. This Act contains a judicious clause restricting all such Inspectors from dealing in provisions; and, though the exigencies of an extending commerce required its amendment, some of the recent modifications have not been approved of by practical men. It is worthy of remark, that in the year 1824, in the first Session of the last Parliament, a Bill for the amendment of the laws for curing and inspecting Provisions, was drafted by the Montreal Committee of Trade, and transmitted with accompanying minutes of evidence, to certain Members of the honourable House; but that such was the neglect exhibited of the mercantile interest of Montreal, that *the Bill and Papers were mislaid, to the great disappointment and disgust of the framers, who have never returned to the task of repairing this loss.*

Thirteen Acts, of which eight were temporary, were passed this Session, which was closed on the 2d of May, 1804, with a Speech by the Lieutenant Governor, who added to his accustomed portion of praise, the most earnest solicitations that the Members, returning to their respective residences, would exert themselves to strengthen and extend the spirit of loyalty and gratitude to His Majesty, whose Government had conferred so many benefits upon the Province, protect-

ed, as it was, from the evils of the war afflicting many Countries, by the powerful arms of Great Britain. Such benefits, long familiarised to the minds of the great Majority of the Population, were, however, falling into contempt and oblivion; *and, it being the lot of humanity, that the absence of real grievancee should be replaced by imaginary ones, there was not wanting a variety of such topics for the exercise of eloquence and declamation on the part of the Majority of the French Canadian Candidates at the approaching General Election.*


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CHAP. VIII.

A. D. 1805 & 1806.

Fourth House of Assembly.—Account of the conduct and Speeches of the Candidates at the General Election.—The topics of declamation, properly analysed, are all referable to the natural discontents of a Roman Catholic and French People, subjected to a Protestant and British King.—The Demagogues begin to draw false analogies between the Grievances of Ireland and those of Lower Canada. Their continual boasts of Loyalty to the King employed to cloak their hatred of Britons, and their opposition to the Local Government.—Composition of the Fourth House of Assembly, viewed with reference to the Temporising Disposition of the Executive.—First Session.—Mr. Panet re-elected Speaker.—Lieutenant Governor's Speech to both Houses, characterised by moderated expectations of benefit from the Popular Branch.—Addresses in Reply.—Renewal of Temporary Acts.—Mr. Richardson's Bill for the Destruction of Thistles, passed by the House of Assembly, but rejected by the Legislative Council.—Proceedings on Controverted Elections, defeated by the want of a Provincial Law on the subject—this Defect afterwards supplied by the Act 48, Geo. III., Cap. 21.—Influence of the Commercial Minority in obtaining the improvement of the Rapids, and the establishment of a Turnpike Road between Montreal and Lachine.—Allusion to the Corporation of the Trinity House, as being connected with the vicious, Anti-commercial and Anti-colonial System of concentrating all power in Quebec.—Abortive attempts of the English Seigneurs and Merchants in the Assembly to obtain modifications of the Feudal Tenure of Lands.—Description of the Retrait Lignager.—This right defended by the Majority, as preserving Heritable Property in Families.—Account of the Debate on Mr. Caldwell's Bill for enabling the Seigneurs to compound for their Feudal Rights.—The arguments of the opponents of this measure combatted by reference to the effects of a Free Tenure of Lands in New Hampshire.—Act to encourage Credit Sales of Seed Wheat, by giving a privilege to Sellers on the Crop, besides a general Mortgage.—Reflections on Legislative Relief in cases of Local Scarcity.—Act to provide for the erection of District Gaols in Quebec and Montreal.—The Commercial Minority make an ineffectual opposition to the system of expending the Funds raised by Taxes on Merchandise, for Local Establishments.—Mr. Richardson's Bill for the celebration of Matrimony, passed in the House of Assembly, is rejected by the Legislative Council.—Amount of the Provincial Revenue and Expenditure.—The House of Assembly orders the translation of Hatsell's Precedents.—Account of some private Acts passed this Session.—Sir Robert Shore Milne's Speech at the end of the Session.—End of his Administration, and conjecture on the nature of his Report to the Colonial Department on the state of the Province.

—Administration of Mr. Justice Dunn, under the title of President.—His advanced age and temporising disposition encourage the Demagogues to make new attempts to overawe and silence their opponents.—Second Session. —Account of the President's Speech, which recommends no measures except the renewal of the temporary Acts.—Addresses of both Houses in reply.— About one half of the Members of the House of Assembly do not attend this Session, and the rest are chiefly occupied in violent and vindictive measures against the Merchants and other opponents of their Financial System.— Financial principles of the Merchants and British Settlers described. Means employed to recommend them to the British part of the Population and to His Majesty's Government.—The Majority of the House of Assembly uses its constructive privileges intemperately against the Press.—Votes certain Toasts at a public Dinner at Montreal libellous: and orders Mr. Todd, the President of the Dinner Party, and Mr. Edwards, the Publisher of the Toasts, to be taken into custody by the Serjeant at Arms.—The obnoxious Toasts stated verbatim, showing that an intolerant and overbearing spirit alone could have reprobated their freedom.—Mr. Cary, the Editor of the Quebec Mercury, ordered into custody for giving an account of the Debates in the House of Assembly; but is released on making an apology for his conduct.—The Majority, meeting with delays and difficulties, give up the prosecution of Mr. Todd and Mr. Edwards.—Memorial of the Assembly to His Majesty in support of the Financial System of taxing imported Merchandise exclusively to defray Public Expenses, local as well as general.—This production criticised, and its false and factious principles exposed.—Its misrepresentation of facts referred to, as characteristic of the past and present conduct of the Popular Branch; which sacrifices the Commercial and Colonial interests to those of an ignorant Peasantry.—Bill to consolidate the Laws giving a regulated monopoly for the conveyance of Travellers, passed in the Assembly, but rejected in the Legislative Council.—Efforts of the Commercial Minority in the House.—Act for the Inspection of Flour, &c.—Reflections.—Amount of the Provincial Revenue and Expenditure.— The President refuses to advance money on the Address of the House, for the translation of Hatsell's Precedents.—Resentment of the Assembly delayed by the Prorogation.—End of this short and unproductive Session.—The President, in his closing Speech, laments the absence of many of the Members from the House of Assembly during the whole Session.

In our last Chapter, we alluded to the topics of declamation employed by the Candidates for seats in the Fourth House of Assembly, at the General Election, which took place in July, 1804. Those topics were partly retrospective and existing, but chiefly prospective or imaginary. The retrospective, properly analysed, merely bewailed the natural consequences of the conquest of the Country, which had invested the conquering Sovereign, a Protestant King of a Commercial and Protestant Nation, with power over a people of the Romish Religion, and habituated to the French and Feudal Laws, and other Institutions, *embarrassing to Commerce and to Agricultural Improve-*

ment. The accommodating Act of 1774 had not removed all those circumstances of the Conquest, which disturbed the routine and habits of the Peasantry, and still left causes of jealousy between the new and old subjects, which were deeply felt, though not openly expressed, by the French Canadians and by their Representatives. The King of England had taken possession of the Property of the late Order of Jesuits, originally granted for the education of persons professing the Romish Religion; and would naturally employ the revenue of that Property in such a manner as might insure a share of its benefits to his Protestant Subjects, *who were likewise free from the obligation of paying tythes to the Romish Priests.* Under the French dominion, all the Lands of New France would have been granted, under the Feudal Tenure, to provide for the encreasing population of French Canadians of the Romish Religion; while the King of England, a Sovereign of a Nation chiefly Protestant, would naturally employ his Prerogative with the view of giving an ample share of the unlocated and ungranted Lands to Protestants. These consequences were already felt by the French Canadians; and mingled in their minds with other alledged grievances actually existing;—they repined at the number of offices of profit and honour held by Protestants, and at that compromise which, under the new Constitution, had taken place between a majority of Protestant Officers and a minority of Roman Catholic Officers of the Civil Establishment, forming a species of Oligarchy. The Constitution, indeed, had a decided tendency to render the Popular Branch of the Provincial Legislature Roman Catholic and French; but the importance of that Branch was lessened, and its ambition of exclusive dominion impeded, by the existence of the Legislative Council as a co-ordinate Branch originating in, and influenced by, the prerogatives and characteristics of a Protestant Crown. Among the alledged existing grievances was farther mentioned the reluctance of the Executive to the establishment of new Parishes, to facilitate the extension of a Roman Catholic Population, whose encreasing numbers were said to be wasted, and reduced to hewers of wood and drawers of water for Commercial Adventurers. The prospective evils held forth were the tendency to heavy Taxation, which a connection with the British Government was calculated to introduce; and the marked disposition of Commercial men to throw the expenses of Government upon the occupiers of Land, in the shape of Assessments and other direct Taxes. Though as yet only attempted for Local purposes, it was boldly asserted, by some of the Candidates, that the Lands would eventually be taxed for general purposes, including that of supporting a Protestant standing Army, as in Ireland. All these delusive topics were, however, strangely and hypocritically mingled with displays of loyalty to the King; *and jealousy of Englishmen was successfully engrafted upon the hereditary devotion of the French Canadians to Monarchical power.*

Notwithstanding the effects of such topics upon the great body of the Electors who, in fact, felt no pressure of immediate evils, the Fourth House of Assembly presented no very formidable opponents to the temporising views of the Executive, which merely assumed a defensive position to guard that distribution of power and profit, which the individuals comprising it had long enjoyed. The Government of Sir Robert Shore Milnes had nothing of enterprise in its character, and was influenced in its measures by the pressure of circumstances only.

The Fourth House of Assembly was composed of thirty-five Canadian, and fifteen English Members; among the whole fifty, were *eight Proprietors of Seigniories, five Members of the Executive Council, two Judges, eight Lawyers, including the Attorney General, four Notaries, ten Habitants, or Farmers, and the remainder Traders, Shopkeepers, &c.* Including Executive Councillors, we find in this House, ten Individuals extensively engaged in Foreign and Inland Trade, to whom may be entirely ascribed the measures of the present Session, connected with the improvement of the communications by Land and by Water, and the extension of the Financial Arrangement with Upper Canada, for four years, enacted during the first Session, which was distinguished by a great variety of interesting discussions.

After an unsuccessful attempt on the part of the Minority, on the 9th of January, to nominate a French Canadian Placeman as Speaker, Mr. J. A. Panet, was elected by a great majority of the Members, and approved of by the Crown; and on the 11th of January, 1805, His Excellency opened the Session with a gracious Speech, in which, however, we perceive a subdued tone and less of brilliant anticipation, than distinguished that of the first Session of the third Parliament. His Excellency first recommended the continuance of the temporary Acts connected with the security of His Majesty's Government, and next urged the necessity of providing for a Gaol at Montreal. Addressing himself to the House of Assembly, he promised Statements of the Provincial Revenue of the Crown, and of the Civil Expenditure during the last twelve months. The Speech ended by assuring both Houses, that His Excellency felt much interest in the welfare and happiness of the Country, and called upon them for unanimity and despatch, as the best means of evincing their gratitude to His Majesty, for having conferred upon them what he was pleased, as usual, to characterise as an excellent Constitution.

The Addresses of both Houses, in reply, were nearly echoes to the Speech; but the Legislative Council said nothing in reference to the character of the Constitution; while the House of Assembly represented it in the brightest colours; and, without the slightest allusion to the Foreign Laws and Institutions on which it had been engrafted, nor to its inefficacy in producing fruits agreeable to a British taste, it was declared to be an inestimable blessing.

Before the Speaker reported the Speech, the accustomed salvo of privilege took place, by introducing and reading, for the first time, "*An Act to continue an Act for the better preservation of His Majesty's Government.*"

On the 15th of January, Mr. Richardson presented a Bill for the destruction of Thistles and other Weeds noxious to Agriculture, which eventually passed the House, but was lost in the Legislative Council, to the great disappointment of all who could appreciate the damage done by the spreading nature of the Canada Thistle, *whose seeds, carried by the wind throughout the Province and neighbouring States, contaminate every field, and give a slovenly appearance to every farm.*

This Session, proceedings took place on controverted Elections; but, though great irregularities were proved, no Election was annulled, the matter being the more easily laid aside, because Members of the Majority, as well as of the Minority, were implicated. The ostensible reason given for this compromise, however, was that there was no Act providing for the trial of controverted Elections, which defect was afterwards supplied in the fourth Session of this Parliament, by the Act 48, Geo. III. Cap. 21.

In consequence of a Petition from the Merchants of Montreal, praying for the means of removing obstructions in the Rapids of the St. Lawrence, between Lachine and Montreal, and for a Law to regulate all Persons undertaking to act as Guides or Pilots of Scows and Rafts, two Bills were passed in both Houses, and sanctioned at the end of this Session; the one for applying the sum of one thousand pounds towards the improvement of the Inland Navigation of this Province, and the other for the appointment of an Inspector and Measurer of Scows and Rafts, and for regulating the Pilots and Conductors thereof, between *Chateauguay and the City of Montreal.* Those Measures, and the Act for establishing a Turnpike Road between Montreal and the Village of Lachine, showed considerable attention to the interests and growing commerce of that City; but the Act passed this Session, establishing the Corporation of the Trinity House, for the better regulation of Pilots and Shipping in the Port of Quebec, and in the Harbours of Quebec and Montreal, exhibited that disposition to concentrate all power in Quebec, which has long existed likewise in the matter of Appeals, causing great abuses and unnecessary expenses to the City and District of Montreal, which can only be remedied and prevented by separate establishments. This Trinity House, during more than twenty years, has effected none of the contemplated improvements in the Harbour of Montreal, nor in the Navigation between that City and Quebec; and so great appears to be the wish of the Executive to extend the Controul of the metropolis over all other places, that it remains till now the only Port of Entry for Vessels from Sea in the Canadas; it contains the only Court of Appeals, the only Court of Admiralty; and its Trinity House, not-

withstanding every effort on the part of the Merchants and other Citizens of Montreal; is invested with the regulation of a Beach and Harbour situated at the distance of one hundred and eighty miles. On the whole, we may boldly assert that Quebec affords an example of *centralization* of Military, Civil, Financial, Clerical, Commercial and Marine Power worthy of the policy of the late Napoleon Bonaparte, and totally hostile to the general improvement of the Country, and to the convenience of Trade.

This Session is remarkable for some unsuccessful attacks upon the Feudal Tenure of Lands, by a few English Seigneurs and Merchants in the Minority. The first motion was on the part of Mr. Cuthbert, who accompanied his Bill to abolish the Retrait Lignager, or Right of Redemption by near and distant Relations of any Seller of Seignorial Lands, by remarks to the following effect. Any relation of the Seller, if of the same line or stock from whence the property descended, may, *within a year and a day,* by this Feudal Law, take from the Purchaser the Property bought, on condition of returning the price and necessary expenses. A person, therefore, buying a lot of ground for a hundred pounds, and expending five thousand upon it, in buildings, within the year, may be deprived of the whole by a relation of the Seller, on condition of reimbursing the hundred pounds, the buildings here contemplated, not being considered, in the eye of the law, as necessary expenses. A motion having been made by Mr. Cuthbert, seconded by Mr. Young, on the 4th of February, that the Bill be engrossed, the supporters of the measure were astonished to find a strong opposition to it, headed by an English Seigneur of old standing, who stated that the *Retrait Lignager* was a part of the law of the land, respectable from its antiquity, and that it formed part of that general system which preserved in families the property which they had long possessed.* This Bill was finally laid aside; but the young innovators were not yet discouraged; for, on the 13th of February, Mr. John Caldwell brought in a Bill *to enable the Seigneurs of this Province to compound for their Feudal Rights and Dues, with their Vassals and Censitaires.* The Majority, as may be supposed, prevented this Bill from advancing beyond a second reading; but, when the motion was made to go into Committee, an interesting debate took place, the substance of which we shall give in a note, with the names of the Members who voted for and against the postpone-

* It was only after the death of this Veteran Legislator, that the public could conjecture his reasons for having opposed all modifications of the Feudal Law, and more particularly exerting himself to prevent the establishment of Offices for the public Registration of all Deeds of Sale and Encumbrances: this Gentleman died with the reputation, not only of a useful public servant, but of being extremely rich; but, when his affairs were examined, it was found that his extensive landed property was burthened to such an extent with privileged claims, that it required the long and indefatigable exertions of his Executors, to pay the debts of his Estate, leaving a mere trifle to the Legatees.

ment of this important and salutary measure; which, after a lapse of twenty years, was the subject of an Act of the Imperial Parliament, the only Legislative body which seems disposed to listen to the prayers of the increasing population of English origin in Lower Canada, for any improvement of a code of laws so hostile to the ideas of this enlightened age, to the best interests of commerce, and to the industry and freedom of the human race.*

* When this Bill, on the 18th of March, was moved to be committed on the 20th of the same month; an amendment postponing the Committee till the 1st of August next, was moved by the Majority, who argued to the following effect:—That time was necessary to consider a question of the importance of the one before the House. That it was an edifice not to be touched but with great caution:—That the *Censitaires* were too ignorant to make a proper estimation of the rights to be purchased from the *Seigneur*, and would consequently be liable to imposition:—That many of them were not in circumstances to pay the amount of the commutation:—That in case they made such commutation, their lands would be in danger of falling into the hands of the *Seigneur*, for non-performance of their agreement:—That the *Seigneur* might engage them in a commutation, without his having previously commuted with the *Seigneur Suzerain*, the King; without which previous commutation, the *Seigneur* would be incompetent to give a clear title to the *Censitaire*:—That the present system served to keep property in families:—That the *Rentes* were known, fixed and moderate:—That a change of system would enable proprietors to insist upon any rent they might think proper, from the tenant, and lands might thus be raised to any value:—That when property did not go out of families, the *Seigneur* received no *Lods et Ventes*, the burthen so much complained of. Mr. Planté admitted that such a commutation might be beneficial in the neighbourhood of new establishments, such as St. Gervais. Mr. De Salaberry, in an animated speech of some length, besides entering into the general arguments against the commutation, combated some facts and dates laid down by Mr. Caldwell, respecting the first settling of the Country, in respect to its causes and views; and the application of the Feudal Tenure thereto.

The Speakers for the amendment, were Messrs. Grant, De Salaberry, *Bourdages*, *Bedard* and Planté.

Against the amendment, it was urged that, though there was no wish to press the business for the purpose of bringing it to a conclusion this Session, yet, by going into a Committee, though it should not be at so early a day as the one fixed on by the original motion, it would open a field for information and discussion, and enable the Members to come better prepared to meet the question, on its renewal, the next Session:—That the present Feudal System of Tenures, however proper for military views, on the first settlement of the Colony, was incompatible with the present state of the Province:—That every facility should be given to the mutation of property, as well real as personal:—That frequent mutations were sure signs of the prosperity of the Country:—That, under the present Feudal Tenures, a transfer of property was too much clogged:—That the *Lods et Ventes*, particularly, were highly discouraging to enterprise; *as nothing could be more revolting to a person disposed to build on a lot of ground, in itself of little value, than the reflection that a twelfth part of his expense and labour, however considerable, is for the Seigneur*:—That if the proposed commutation would raise the value of land, it was a strong argument in favour of the measure:—That if the tenant of land, in free and common soccage, pays a higher rent, he is fully compensated by having no feudal burthens:—That there was no danger of exorbitant exactions in a Country where there was such an extent of unsettled land:...That the purchasers, under such a tenure, would hold land free of all charge and servitude whatever:...That, should the Bill for the commutation pass into a law, it would be compulsory on no one:...That it would do no more

The inadequate crop of Wheat in the Autumn of 1804, arising partly from an unpropitious season, and partly from the unproductive system of Agriculture, obstinately adhered to by an ignorant peasantry, had reduced many Farmers, more particularly in the District of Quebec, to great privations; and it was thought expedient to facilitate their purchases of Wheat for Seed, by a law, making the amount of such purchases, a privileged debt, bearing a general mortgage, preferable to all others, and extending to the Crop of Grain. This measure, so interesting to the Electors of the Majority, is the more worthy of being mentioned here, because it afterwards led to *the dangerous measure of granting forty-five thousand pounds to be distributed in Loans, under similar circumstances, for the purchase of Seed Wheat for poor Farmers in the District of Quebec, which Loans will, in all probability, never be repaid to the public.*

On the 6th of February, the Committee appointed on the subject of District Gaols for Quebec and Montreal, reported Resolutions; of which, the fourth intimated that the sum of nine thousand pounds for those objects, should be taken from the general funds of the Province, and the fifth recommended a variety of duties on imported Merchandise, as the ways and means of reimbursement. The Members of the City of Montreal, in compliance with the opinion expressed by the Grand Jury in the Presentment mentioned in our last Chapter, opposed those Resolutions, in so far as they made the Province, instead of the Districts respectively, bear the expense; but the

than give a freedom of choice to the parties, of remaining under their present tenure, or changing it for a free one;...That the *Censitaires* are not so ignorant of their interest as had been asserted, and could easily inform themselves of the value of the rights or dues they might be disposed to commute for, as well as of the qualification of the *Seigneur* to commute:...That the question was simply this:...Was it better to remain bound to one tenure, or to have the choice of two? Mr. Richardson, in urging these points, was close and pointed in his arguments. He further said, that the House ought to have less repugnance to commit the Bill this Session, from a question of a like nature, having been fully discussed under the Government of Lord Dorchester; when he, Mr. R., laid a number of Resolves on the subject, on the table of the House. Mr. Young, in the course of the debate, after having strongly urged the benefit that would arise to the Country from a facility of a transfer of property, very ably replied to Mr. Dr. Salaberry, on his statement of dates and facts respecting the colonization of this Province, compared with the first English Settlements in America. He said that this Province was a century behind New Hampshire in improvement, notwithstanding the superiority of the climate of this Province over that of New Hampshire. The latter being unhealthy from the humidity of the air.

The Members who voted for the amendment were:—*Delanaudiere, Archambault, F. Roy, Brodeur, Poulin, Taschereau, Raymond, Roy Portelance, Mondelét, Caron, Bedard, Bourdages, De Salaberry, Grant, Berthelot, Planté, Viger, Legendre, Weilbrenner, Cartier, Chaboillez, Rocheblave, Turgeon.*

The Speakers against the amendment were:—*Messrs. Richardson, M'Gill, Young, and Caldwell.*

The Members who voted against the amendment were:—*The Attorney General, Messrs. M'Gill, Richardson, Young, Caldwell, Frobisher, Monro, Pyke, Porteous, Mure, Perrault, Dumont and Bernier.*

House, having concurred with the Committee, the Act was speedily passed, and became a law at the end of the Session.

The Presbyterian Congregations of the Province, having petitioned for a Law to remove all doubts as to the right of their Pastors to solemnize Marriages, a Bill was introduced by Mr. Richardson, which passed the 8th of March, entitled "*An Act to make Provision for the celebration of Matrimony within this Province, and to confirm certain Marriages therein mentioned;*" but this Bill was rejected in the Legislative Council, which body appears to have been influenced by certain opinions expressed in the Court of Appeals already alluded to in our last Chapter.

On the 1st of March, Statements of the Provincial Revenue of the Crown, and of the Expenditure for the year ending the 6th of January, 1805, were laid before the House. The Revenue amounted to about thirty thousand pounds sterling, and the Expenditure to thirty-three thousand pounds sterling.

Towards the end of the Session, the propensity of the Majority to the French tongue, was again displayed, by ordering the Translation of the four Volumes of Hatsell's Precedents of Proceedings in the House of Commons of Great Britain, restricting the expense of Translating and Printing the same for the use of the House, to seven hundred and fifty pounds; and they addressed the Lieutenant Governor on the subject of issuing his warrant for the payment of the contingent expenses of the House, including a sum of twenty-five pounds for Indexes to two hundred copies of the Lex Parliamentaria, a work translated into French as already mentioned; recommending, also, to His Excellency, the consideration of recompensing the services of Mr. Desbarats, French Translator for the House. The answer of His Excellency was unfavourable to the expense of the Indexes to the Lex Parliamentaria, and to any recompense to Mr. Desbarats, beyond his ordinary salary, expressing his opinion that the expenditures prayed for, were not in accordance with the spirit of the Act 33, Geo III.; but extraordinary charges, which the Legislature had not contemplated.

The principal Bills, in which private Individuals were interested this Session, which have not been already mentioned, were as follows:—

1. An Act for the preservation of Apple Trees, in the Parish of Montreal, which enjoined, under a penalty, the application of Tar, as the means of destroying a Caterpillar, called the *Arpentheuse.* This Act, and the Bill for the destruction of Thistles, are the first instances of the Majority being induced to enjoin any course of improvement in agricultural pursuits.

2. An Act to authorise Thomas Porteous, Esquire, to build one Bridge over a Branch of the River Ottawa, otherwise Desprairies, from Lachenaye, to the Isle Bourdon, and another Bridge from that Island, to the Island of Montreal; to establish the rate of Toll paya-

ble thereon, and for regulating the said Bridge. These great undertakings, which promised much good to the enterprising projector, as well as to the Country, were successfully executed; but soon after their benefits had been ascertained, the Bridges were carried away by the breaking up of the Ice.

3. An Act for erecting an Hotel, Coffee-house and Assembly-room in the City of Quebec. Numerous Individuals, living together on friendly terms, had associated together, with the view of combining accommodation to Travellers, with a convenient place of resort for themselves and Families, for business and amusement; and, having obtained this Act, they built and fitted up, at a great expense, the Union Hotel, which, like several other premature establishments in Quebec and Montreal, caused great loss and disappointment to the Proprietors.

This Session was closed on the 25th of March, when the Royal Assent was given to Sixteen Bills, chiefly temporary; among which, was one imposing a variety of Duties on Imported Goods, and on Goods to be sold at Auction.

The Presentation of this Bill of Supply, by the Speaker, was accompanied by a few observations, explanatory of the views of the House, in the choice which had been made of the particular objects taxed in preference to others, asserting that the new Duties, affecting, as they would, articles of luxury only, were most congenial to the situation of the Country, and to the temper of the Inhabitants.

The closing Speech of His Excellency found topics of approbation in the great assiduity in public business, displayed by the Members of both Houses, and entirely omitted any allusion to differences on Financial Principles and on other matters, which unfortunately existed between Members in the House of Assembly, and between that House and the Executive Council. If we may judge from the Speeches of Sir R. S. Milnes to the Legislature, his previous Despatches, and the Report which he made of his long Administration to the Colonial Department, on his return to England this year, could not have given a true picture of the embarrassing effects of the new Constitution, nor have forewarned His Majesty's Government of the expediency of applying a speedy and effectual remedy to a disorder which was yearly advancing, slowly, but certainly, to attack the vitals of the Administration, which, like a consumptive patient, had hitherto flattered itself, from time to time, with a restoration of strength.

Sir Robert Shore Milnes, alledging the necessity of a visit to England for the improvement of his health, impaired by the labours and anxieties attending his high station, obtained leave of absence in 1805; and the Government was allowed to sink still farther into lethargy and decrepitude for two years, under the Presidency of the Honourable Thomas Dunn, a Puisné Judge of the Court of King's Bench, for the District of Quebec.

This Gentleman, who succeeded to the Administration as the oldest Protestant Member of the Executive Council, was ill fitted for the arduous situation of defending His Majesty's Prerogative and the principles of British Legislation, against the systematic encroachments of the French Canadian Majority in the House of Assembly. The whose of his official experience had tended to impress him with despair of obtaining the smallest alterations in the French and Feudal Laws under the present Constitution; and his only object appears to have been to imitate the temporising and sycophantic Policy of his predecessor. Equally despised by his colleagues in office, and by the Popular Leaders, his Administration afforded an opportunity to the Majority of the House of Assembly, to attempt to render the constructive privileges of that Body oppressive to the liberty of His Majesty's Subjects, particularly to the Merchants, who vented their disapprobation of the late taxes on Commerce, through the medium of the Press.

The Second Session of the Fourth Provincial Parliament was opened, by the superannuated and temporising President, on the 20th February, 1806, with a Speech from the Throne addressed to both Houses, which contains the recommendation of not one Act of Legislation or provision for the Public Service, except the renewal of those temporary Acts for the preservation of His Majesty's Government, which had been considered part of the routine business of the previous Sessions of the Provincial Parliaments, without a single expression on the part of his Honour intimating his wish to distinguish his Administration, by any measure for the improvement of the Country in Agriculture, Commerce, Revenue, or the Arts of Life.

The Addresses of both Houses were echoes to the Speech, accompanied with a compliment to the President; to whom they ascribed a warm attachment to the interest and prosperity of the Province, in which he had so long resided.

This Session is distinguished by the continued absence of one half of the Members of the Assembly, and the irregular attendance of the rest; and, though it lasted only two months, the quorums requisite for the transaction of business could not be obtained during half that period. The only indications of life in the Legislature, may be said to have arisen from the stimulus applied to the ambitious Majority of the House of Assembly, by the disapprobation of their previous conduct, expressed, through the medium of the Press, by the Mercantile interest, particularly that of Montreal; in which City resided the influential Merchants engaged in the Fur Trade, under the celebrated Firm of the *North West Company*, and other large Capitalists, who gave an ephemeral existence to a monied Aristocracy in the Province, now extinct; and which the establishment of Banks and their fictitious Capital have endeavoured in vain to replace, giving, as it were, the shadow for the substance.

The gradual retreat of the Local Government, and the Commercial Body, before the ambitious progress of the French Canadian Majority, appears, at the distant period when we write, to have produced an oblivion of the struggles which took place in the year 1805 and 1806, both on the principles and on the details of Provincial Taxation; but they are not the less worthy of the attention, both of the public and of that Executive authority, which has been lately *driven to the wall* by the usurping agitators of the French Canadian Majority.

The Financial principles, avowed by the Merchants and other Subjects of British origin, were congenial to the practice of England and of her most successful Colonies. They were recommended likewise by simplicity, and by their capability of being reduced to a stable system of Political Economy, distinguishing the Public Expenditure into three great branches, namely the necessary Expenses of Civil Government; those of Local Establishments; and those for the General Improvements of the Country. *The Merchants and others, friendly to British principles and practice, contended, that, if the support of the Civil Government were not to rest on direct Taxes, it should at least be secured by permanent Acts of indirect Taxation, as already introduced by the British Act* 14, *Geo. III., Cap.* 83 *; and the Provincial Acts* 33, 35 *and* 41, *Geo. III. That Local Establishments, such as Court Houses, Gaols and Houses of Correction, should be defrayed by Assessments or direct Taxes upon the Districts, Counties and Cities for whose benefit they might respectively be required. And that, for the general improvement of the Country alone, its Agriculture, Commerce, and Communication by Land and Water with the adjoining Colonies and Foreign States, recourse should be had to indirect Taxes, of temporary duration.*

The support of those principles and practices, through the medium of the Press, and an appeal in their favor to the Colonial Department of His Majesty's Government on the part of the Montreal Merchants, excited the jealousy of the Anti-British and Anti-Commercial French Canadian Majority of the House of Assembly, whose object was now to obliterate all traces of British Parliamentary, and permanent Taxation, and to reduce His Majesty's Civil Government, including the Judges and Officers of the Crown, to a dependance upon the annual Grants of a Body elected by the almost Universal Suffrage of a Population, *insulated from Englishmen, by Laws, Language, prejudices and habits, peculiar to themselves.*

This being notoriously the case, it should not surprise our readers to find the Majority of the House of Assembly this Session, exercising their constructive privileges to counteract the public expression of any sentiments hostile to those objects of their ambition. Accordingly, when the toasts at a public dinner in Montreal, given in honor of the Members for that City, who had supported British principles of Taxation, were published in the Montreal Gazette, the President of the Dinner Party, Isaac Todd, Esq., and the Printer, Mr. Edwards, were marked out as objects of Parliamentary persecution.

On the 7th March, 1806, *Mr. Bedard* and *Mr. Bourdages* moved the reading of the alledged Libel, on the House of Assembly and the other Branches of Government, contained in Number 503 of the Montreal Gazette, dated first April, 1805; which having been done, the same Members moved the House to resolve, that "*the said paper contains a false, scandalous and seditious Libel, highly reflecting on His Majesty's Representative in this Province, and on both Houses of the Provincial Parliament, and tending to lessen the affections of His Majesty's Subjects towards his Government in this Province.*"* Which resolve, after an attempt on the part of the Minority to show that the subject was unworthy of serious consideration, was passed by a Majority of 17 to 7.

But those two individuals were not the only objects of persecution. Mr. Thomas Cary, the intelligent Proprietor and Editor of the English Paper, called the Quebec Mercury, having accompanied his usual Report of Proceedings of the House with some remarks upon the rigorous course intended against the Editor of the Montreal Gazette, incurred the high displeasure of the Majority, who retrograding half a century in search of British precedents, declared it a high breach of their privileges, for any individual to presume to give to the Public an account of the Proceedings of the House of Assembly.

After much debate and overruling of the Speaker on a question affecting a standing regulation of the House, the Majority, on the 11th of March, obtained a resolve "*that Thomas Cary, Editor of the Newspaper entitled "the Quebec Mercury," for undertaking in his Paper of yesterday, to give an account of the Proceedings of this House, be taken into custody of the Serjeant at Arms attending this House.*" The Minority in vain attempted to delay this injudicious, precipitate and intemperate measure; first, by moving, in amendment, that Thomas Cary has violated no rule or privilege of this House; and next,

* The following were the obnoxious Toasts:—

The Honourable Members of the Legislative Council, who were friendly to Constitutional Taxation, as proposed by our worthy Members, in the House of Assembly.

Our Representatives, in Provincial Parliament, who proposed a Constitutional and proper mode of Taxation, for building Gaols; and who opposed a Tax on Commerce, for that purpose, as contrary to the sound practice of the Parent State.

May our Representatives be actuated by a patriotic spirit, for the good of the Province, as dependant on the British Empire, and divested of Local prejudices.

Prosperity to the Agriculture and Commerce of Canada; and may they aid each other, as their true interest dictates, by sharing a due proportion of advantages and burthens.

The City and County of Montreal and the Grand Juries of the District, who recommended Local Assessments for local purposes.

May the City of Montreal be enabled to support a Newspaper, though deprived of its natural and useful advantages; apparently for the benefit of an *individual.*

May the Commercial Interest of this Province have its due influence in the administration of its Government.

that there was no proof before the House that he was the Author, Printer or Publisher of the Paper or Paragraphs in question. Nothing could stop the headlong violence of the French Canadian Majority, whose passion was found deaf alike to common decorum and to common sense. Their victim having surrendered himself to the Serjeant at Arms, prevailed upon *Mr. Bourdages* to present his humble Petition to the House on the 12th of March, expressing sorrow for having unintentionally given offence, and praying that he might be released; whereupon the Majority, become more cool, agreed to his discharge, without even bringing him to the Bar of the House for the purpose of being reprimanded. Resuming their persecution of Mr. Todd and Mr. Edwards, the Majority, on the 15th of March, carried resolves against these individuals, who were voted guilty of a high breach of the privileges of the House, and ordered to be taken into custody of the Serjeant at Arms. On the 19th of March, the Speaker submitted to the consideration of the House, "*a draft of a Warrant to take Edward Edwards, Printer at Montreal, into the custody of the Serjeant at Arms; and prayed the advice and instructions of the House thereupon.*" But *Mr. Todd*, against whom the vengeance of the Majority was chiefly pointed, having retired into the United States, farther proceedings in this case of alledged libel, were laid aside. Meantime, several well written communications, calling in question the right of the House of Assembly to arrest a Subject of His Majesty by its Speaker's Warrant, appeared in the Quebec Mercury; and this constructive right was considered so worthy of regulation, *that a clause in the Union Bill of* 1822, *prohibited its exercise before it should have been enacted by the proposed new Legislature, and declared necessary for the support of its dignity.*

This Session is less remarkable for any new Laws, than for instances of the pertinacity of the French Canadian Majority, in their endeavours to justify their system of taxing Merchandise as their only ways and means for defraying general and local Expenses. On the 4th of March, *Mr. Bedard*, seconded by *Mr. Berthelot*, obtained a resolve for the appointment of a Committee of Nine Members to prepare an Address and Memorial to His Majesty, beseeching His Majesty not to exercise his right of disallowing the late Act of the Legislature, providing means for building Gaols at Quebec and Montreal, with a Memorial containing the reasons of the House for avoiding an Assessment on Lands for such purposes. This Measure having been carried, copies of these Documents are to be found in the Journals of the House, and are particularly worthy of the attention of the Student in the Constitutional History of Lower Canada. They are too long for insertion here, but we shall make a few remarks upon their contents.

The Address, which passed the House on the 18th of March, expresses repeatedly the loyalty, attachment and heartfelt gratitude of the Representatives of Lower Canada, to His Majesty's Sacred Per-

son, Family and Government. In its progress towards the object of reconciling His Majesty to the Anti-British and Anti-Commercial system of taxing Commerce, it purposely confounds the Commerce arising from the products of Provincial Agriculture, that is to say, Exports, with Imports, consisting, as they principally did, of British Manufactures. Be it observed here, that the Majority took care not to tax Exports for any General or Local purpose, well knowing that this principle might be felt by their Constituents, whose Grain might already be considered as sufficiently Taxed by the rent to the Seigneur, and the tythe to the Priest. The Tax which they, in the plenitude of their loyalty and attachment to the King of Great Britain, prayed him to approve, was not a Tax on Colonial Produce, as exists in other Colonies, but a Tax on the Manufactures of the British Nation, already taxed to a great amount, for the Military and Naval defence of Canada. The Address and Memorial are, in fact, a specimen of that continued misrepresentation which has distinguished the chicaning and special pleading Leaders of the *Nation Canadienne*, in Provincial Parliament assembled, and are suitable forerunners to the Non-parity Resolutions respecting the Royal Commands to vote a Civil List, permanent for the King's life. The asserted difficulties attending the imposition and collection of a Land Tax, under any form, are, in a great degree, imaginary, and are partly contradicted by the very facts which the Memorial admits to exist in the domestic economy of Lower Canada. The Habitant or Farmer contributes, in almost every instance, several bushels of Wheat and other Grain to the Seigneur and to the Priest:—to the latter, he gives a stated proportion of his Crop; what difficulty, then, would be found in his being rated for a moderate quota of his Crop, or its equivalent in money, towards the building of a District Court-house, a District Gaol, or other local establishment? This difficulty is mere pretence; and the truth is, that the *Habitants* consider themselves sufficiently taxed by the French law of the land, in being obliged to pay rents and other feudal burthens to the Seigneur, and tythes to the Priest; *and if you were to ask any one of them to contribute two bushels of Wheat, or two Dollars, for the support of Government, he would give you the equivocal French sign of inability or unwillingness, by shrugging up his shoulders.* The Address and Memorial do not candidly state such facts; but they cannot help insinuating that the attachment of the French Canadians mainly depends upon their being always enabled to consider themselves as less taxed than their neighbours, meaning, we suppose, the Citizens of the United States, and the Inhabitants of Upper Canada, *who are subjected to District Assessments for local purposes.* If the Memorialists had foreseen that their taxes on British Manufactures imported into Canada, would, at a future day, have been referred to in the Imperial Parliament as a justification for imposing Duties on Canadian Grain, Flour, Potashes and Lumber, imported into Great Britain, they might, nevertheless, have persisted

in their system, because the Merchants would be the apparent sufferers, as they are in the case of British Manufactures imported into Canada. We shall only farther remark, that the Address and Memorial were rather suited to court popularity among the great body of the Electors, than to convince His Majesty's Ministers of the correctness of the principles, or of the information which they contained; and we again request our enquiring readers to study these sophistical Documents, as a key to some subsequent Financial Proceedings of the Leaders of the *Nation Canadienne.*

We have filled so much space with the more characteristic proceedings of the Honourable House, that we must be brief upon the other occurrences of the Session. Several Bills were introduced, which, though they did not become Laws, show the disposition of the Members of the House. The Bill for consolidating previous Acts, and giving the exclusive right of conveyance of Travellers by Land to the Maitres de Poste, passed the House, but was amended in such a manner in the Council, as to require a conference between both Houses, the preliminaries of which spent the remainder of the Session, thus happily leaving the conveyance of Travellers open to the competition of the enterprising Proprietors of Stage Coaches.

This Session is also remarkable for an attempt, on the part of the Majority, to grant a Patent for the exclusive building of Bridges, on a particular plan, in the Province, to *J. B. Bedard,* for twenty-five years; but this job was so much deprecated by the public voice, that the Bill, after having been once read, was suffered to lie dormant during the rest of the Session.

The increasing applications for privileges to build Toll Bridges, having alarmed the cautious disposition of the President, he reserved the Bill passed in favour of *Jacques La Combe, Esquire,* for building a Toll Bridge at L'Assomption, for the signification of His Majesty's pleasure thereon; and it never became a law.

The Commercial Minority made strenuous exertions to obtain some beneficial Regulations; and they procured the passage of an Act this Session, 46, Geo. III., Cap. 4, *to regulate the Packing and Inspection of Flour and Indian Meal, and to provide for ascertaining the quality of Biscuit.**

A Bill for the regulation of the Fisheries in the District of Gaspé, on the Gulph of the St. Lawrence, made some progress, but was not passed till the following Session.

The Petition from the Borough and District of Three-Rivers, for two Judges instead of one, and four Court Terms instead of two, al-

* This Act, being a temporary one, has been repeatedly amended; and, as the latest Act on this subject, 5, Geo VI., Cap. 17, will expire on the 1st of March next; and as the circumstances of the recent prorogation of the Provincial Parliament give no hope of an early Session, the regulation of the Flour Trade will depend upon the old Ordinance of the Governor and Legislative Council, 25, Geo. III., Cap. 6.

ready mentioned, was again presented this Session, but without effect; and the consequent discontent of the Electors, produced a change in their Representatives on the first opportunity.

On the 21st of March, the President communicated, by Special Message, Statements of the Provincial Revenue of the Crown, and of the Expenditure for the year ending the 5th of January, 1806. The former, owing to the productiveness of the Gaol Duties, amounted to about forty-two thousand pounds sterling; and the latter, including twelve hundred pounds sterling, (the claim of Upper Canada on the Provincial Duties,) amounted to thirty-five thousand four hundred and sixty-nine pounds eighteen shillings and ten pence sterling.

The only appropriations this Session, besides the annual votes for the contingent expenses of the Legislature, were one thousand pounds to complete the improvement of the Lachine Rapids, and ninety-six pounds as a compensation to *Charles Simon Delorme*, the Contractor, for damage done to his Machinery employed on that Work, by timber rafts.

The Majority having persisted in their design of having the four Volumes of Hatsell's Precedents translated into French, addressed the President, praying that his Honour would be pleased to advance to the Speaker, out of the funds established to defray the contingent expenses of the Legislature, seven hundred and fifty pounds currency, for that purpose. His Honour excused himself from granting the prayer of this Address, referring to the previous refusal of the Lieutenant Governor to advance a sum of twenty-five pounds for Indexes to the Lex Parliamentaria.

This check to the Majority, together with a complaint on the part of the President, that the House had failed in a point of etiquette, (having addressed his Honour to transmit their Address and Memorial to His Majesty, without having previously communicated their contents,) produced symptoms of reciprocal discontent. But the prorogation of the Parliament soon interrupted the course of resentment.

On the 19th of April, this short and unproductive Session came to a close. The President gave the Royal Assent to Seven Acts, all temporary, and chiefly to continue previous Acts: after which, his Honour made a short Speech to both Houses, giving due praise to the Members of the Assembly, who had attended, and ascribing the unfinished state of the public business to the lamentable neglect of their public duties, on the part of the absent Members. His Honour closed his Speech, in imitation of his Predecessor, with expressing his conviction, that the Members highly esteemed the Constitution conferred upon the Province, and that they would feel it incumbent upon them to impress their fellow subjects with sentiments of the most grateful attachment to His Majesty's Person and Government.

CHAP. IX.

A. D. 1807 & 1808.

Preliminary remarks on the progress of Canadian Commerce produced by the combined hostility of the Emperor Napoleon, and President Jefferson to British Maritime rights.—The Decrees of Berlin and Milan, intended to destroy the intercourse of the Neutral Powers of Europe and America with Great Britain.—Measures of the British Ministry to encourage the employment of Capital and Shipping, in procuring Timber and other articles from Canada.—Incapacity of the Legislature and French population of Lower Canada, to improve this opportunity of Clearing and Settling the Waste Lands of the Province.—Superior qualifications of the Americans for the Clearance of Lands and the formation of new Settlements, contrasted with the apathy and Local attachment of the French Canadians.—The Upper Canadians and the Citizens of the United States on the St. Lawrence profit most by the increasing Export Trade of Quebec.—Impotent jealousy of the French Canadian Majority of the House of Assembly and of their Electors, who repine at the rewards of British & foreign Industry.—Third Session of the fourth Provincial Parliament.—Account of President Dunn's Speech to both Houses.—Addresses from them.—Temporising and trifling conduct and occupation of the friends of the Executive in the House of Assembly.—Renewal of the Act for appointing Returning Officers, and extension of its provisions for securing the ascendancy of French Canadian Members.—Act for making permanent the powers of the Justices in Quarter Sessions to regulate Apprentices and Servants.--Failure of an impolitic attempt to introduce a Poor's Rate.—Fruitless endeavors of Government to promote the culture of Hemp.—Causes of the failure of this costly experiment.—Act for the regulation of Maitres de Poste.--Renewed attempt to amend the law for preventing the breaking out and spreading of fires.—Petition for Drawbacks of Duties paid on imported Goods, to encourage re-exportation.—Allusion to the Bonding System which was long afterwards introduced into Canada, by the Imperial Parliament. Failure of the Majority in the renewed attempt to obtain pecuniary compensation for the services of Members of the Assembly.—General character of this tranquil Session.—Dislike of the Executive to temporary Acts contrasted with the partiality of the House of Assembly to that mode of Legislation.—Unpopular Act in favor of J. B. Bedard.—*Number of Acts passed.—Close of the Session.—Events in Europe and America during the recess.—Account of the short Administration of the late Mr. Fox, and of the succeeding coalition Ministry.—Domestic, Colonial and Foreign Policy of those Administrations.—A Tory Ministry appointed, eager to recover the foreign Alliances and to carry on the war against Napoleon* with vigor.—Secret Articles of the Treaty of

Tilsit, *and accession of Russia to Napoleon's Continental System, intended to annihilate the Foreign Commerce and Maritime Rights of Great Britain and of Neutral Powers.—Contents of this Treaty discovered to the new Ministry.—Consequences of this disclosure.—Conduct of the Government of the United States—professing Neutrality, but not performing the duties of that relation towards Great Britain.—She encourages the desertion of seamen from British vessels of war on the Atlantic coast.—A flagrant instance of this leads to the attack of the American Frigate Chesapeake by Capt. Humphries, who compells the Chesapeake to surrender, and takes away the deserters. Proclamation of President Jefferson in consequence of this attack, and negotiation with Great Britain to obtain reparation for the insult and injury sustained.—The forbearance of the British Ministry combined with extreme jealousy towards the United States.—Appointment of* SIR JAMES HENRY CRAIG *to the Government of Lower Canada, and to the Military Command of British North America.—Military and Civil situation of Lower Canada on his arrival at Quebec in October* 1807.—*Extraordinary policy of the United States.—The Congress, by recommendation of President Jefferson, lays an Embargo on all American vessels, and prohibits intercourse by land and inland navigation with British North America.—Effects of this Embargo and non-intercourse on the trade of Canada.—Influx of American produce and capital.—The Americans resorting to Lower Canada, expose the defects of its laws and institutions, in glaring colors, stimulating the Executive to attempt improvement.—Fourth Session of the Provincial Parliament.—Account of the Speech of the Governor General.—Addresses of both Houses.—First direct deviation from the Constitution, by the House of Assembly, in refusing to admit a respectable Jew, Ezekiel Hart, elected a Member for the Borough of Three Rivers.—Reflections.—Second deviation, less reprehensible, of excluding by an Act of the Legislature, His Majesty's Justices of the King's Bench, from Seats in the House of Assembly.—The Bill passed for this purpose, rejected by the Legislative Council.—First direct attempt of the House of Assembly on His Majesty's Prerogative, as to granting or selling the Waste Lands of the Crown.—Irregular Proceedings of the Majority to attain their purpose.—The Quorum reduced from* 17 *to* 11 *Members.—Urgency of Petitioners for various Enactments, chiefly connected with Commerce.—Review of various Acts, passed this Session.—Reflections on the admission of foreign coins, as a part of the circulating medium, and a tender of payment in a British Colony.—Opinion on the best mode of establishing the inspection of Staple Articles of Colonial Exportation.—The Commercial projects introduced this Session criticised; with an account of their consequences, under the influence of the old French Laws, when afterwards adopted.—Intercourse between Quebec and the British West India Islands.—The Local Legislature having refused co-operation, the Merchants, by means of an Agent, obtain from the Imperial Parliament some beneficial regulations of Trade, in the intercourse between Quebec, Bermuda, and foreign European Ports.—The Governor General's Speech at the end of the Session.—The fate of the fourth Provincial Parliament, contrasted with that of some succeeding Parliaments.*

Before describing the progress of the ambitious Majority of the House of Assembly in the third Session of the fourth Provincial Parliament, it will be expedient to resume those remarks on the state and Trade of the Province affected by the war in Europe, and the policy of the United States, which Country was then under the Presidency of the temporising and speculative Republican, *Thomas Jefferson.*

In our seventh Chapter, we remarked that external circumstances and relations had chiefly augmented the Agriculture and Commerce of Lower Canada, and that the Local Government, and more particularly the House of Assembly, was little calculated to take advantage of such circumstances, and to promote those objects, even by removing obstructions to the march of Commerce and the progress of Settlements, in this Province. Lower Canada, chiefly waste and unproductive, owes its partial advancement, under every disadvantage, *to the efforts of men, whom the French Canadian Leaders, with unprincipled audacity, have branded as strangers and intruders.*

In the course of the year 1806, the events and policy of the war in Europe had an extraordinary effect upon the Trade of this Province; whose exportable produce was yearly augmented by the influx of the Flour, Provisions and Lumber of the rapidly improving American Settlements on Lake Champlain and on the River St. Lawrence, as well as by the surplus produce of Upper Canada.

Napoleon Bonaparte, who had lately assumed the imposing titles of *Emperor of France*, *King of Italy*, *&c.*, signalised every step in his progress towards universal Empire, by new Decrees against the Trade of Great Britain, endeavouring, at last, to destroy her Commercial Intercourse with the Continent of Europe, even through the medium of the Ships of the United States, and of other neutral powers, thus involving the destruction of all Maritime Commerce with that of Great Britain. At this period, his increasing influence over the other Potentates of Europe, began to alarm the Government and Capitalists of the United Kingdom. The Ministry, dreading the hostility of the Northern Powers of Europe, determined on giving the most decisive encouragement to the employment of capital, in furnishing Masts and Timber for naval purposes from the Canadas, and the other Provinces of British North America, which articles were enacted to be admitted duty free, while the permanent and war duties on Foreign Timber, were greatly increased. The Capitalists eagerly seized this opening for the employment of money; and facilitated the erection of Saw-mills, and other establishments connected with the Lumber Trade in the Canadas, Nova Scotia and New Brunswick. Quebec, henceforth, became the resort of many hundreds of Vessels making regularly two voyages outwards and homewards, creating such a demand for Lumber, Labour and Provisions, as completely changed the monotonous routine of previous trade, both inland and foreign. If the Provincial Legislature had been so composed as to have seconded this general movement, the

facilities of clearance and settlement would have given a new face to the whole Country:—if the influence of French and Feudal Laws had been mitigated at this peculiar crisis, the surplus population of the Seigneuries would have imitated the enterprising Settlers of New Hampshire and New York, establishing their home in the woods, and reaping those benefits which an anti-commercial policy still chiefly confines to the enterprising population of British origin, settled in Upper Canada, and on the frontiers of the neighbouring States. Meantime, however, the indirect benefits derived by the French Canadians from the effects of the war, and this new branch of commercial policy, were as great as they were unexpected. Even the produce of their unscientific agricultural industry and manual labour, if husbanded with intelligent economy, would have accumulated a lasting fund of capital and comfort; but, as will hereafter more clearly appear, the great majority of this vain and thoughtless people, became wasteful, dissipated and indolent, in proportion to the temporary increase of compensation for their labour, caused by the extension of Commerce.

When an American Labourer has an opportunity of saving, out of the wages of his labour, even less than the moderate sum of one hundred dollars, he will alone, and unaided by associates, venture into the forest and make a home there, contending against all the difficulties of incipient settlement. He looks always forward, calculating and contriving his means of conquering the wilds and extending the circle of cultivation. His enjoyment is chiefly in anticipating the consequences of his industry; and he perseveres from youth to old age, in reflecting on the past, and speculating on the future, rather than enjoying the present hour. These habits, which partly belong also to other branches of the great British Family, form an interesting contrast to those of the French Canadians, who present the characteristics of an old and corrupted society, in a new Country, requiring the vigilance of Priests, and the power of Feudal Superiors to keep them in order, and prevent them from becoming wild as the aborigines of the Country. We forbear, however, to extend the comparison;* and we shall only venture to assert that, this Province will never be extensively settled by French Canadians, unless their Leaders can be induced to consent to facilitate their combination with Emigrants and others of British origin, possessed of that peculiar energy and courage which can alone brave the difficulties of clearing lands at a distance from the Banks of large Rivers communicating with Sea Ports and Commercial Towns, and remote from the aids and comforts of civilised Society. Till this desirable combination take place, we shall invariably find the capital occasionally

* On the subject of the contrast between Frenchmen and Americans, we beg leave to refer our enquiring readers to the philosophic French Traveller Volney, who, in his Views of America, has presented an interesting picture of the progress of Settlements in the Forests of the United States.

spread among the French Canadians, either dissipated in luxurious indulgence, or left unemployed, or at best, applied to enhance the value of the lands about their primeval Forts, Churches and Convents, *round which they continue to rally in war and in peace.*

While the extending Commerce already mentioned, was furnishing a Market for Agricultural and other Produce, the efforts of the American Settlers beyond the Seigniories, and the American Citizens on the Frontiers, to forward supplies of Cattle, Hogs, Provisions and Lumber, were extraordinary, and completely astonished the French Canadians, who could not, without the powerful influence of a competent, intelligent and harmonious Legislature, change their hereditary routine of labour and amusement. They were not, however, inattentive to the scenes passing around them; *they saw the benefits derived by Foreigners, and were envious of their prosperity, though not emulous of their industry.* This spirit naturally extended from the great body of the Electors to their Representatives; the Majority of the House of Assembly will soon appear, therefore, extremely jealous of every Legislative Measure, calculated to facilitate the competition of the produce of the Countries beyond the Seigniories, with that of their own Constituents; and this jealousy, of what they will call the Agriculture of Foreigners, will be accompanied with an increased hostility to the Merchants who pursue this transit Trade, so interesting to British Shipping, and to the general Commerce of the Empire. This narrow jealousy was likewise afterwards displayed by certain speculative Seigneurs, who had established Mills on an extensive scale, for the manufacture of Flour, and with whose profits, the supplies of that article from Upper Canada and the United States interfered.

These sketches of the circumstances and prospects of the Province, will prepare our readers for the appearance of energy in the Administration of *President Dunn*, whose Executive Council could not help feeling the influence of the general spirit, which British Merchants and British Capital diffused throughout the Country.

The third Session of the fourth Provincial Parliament, was opened by the President, on the 21st of January, 1807, with a Speech to both Houses, which began by referring to the Act of the Imperial Parliament, which, in conferring on the Province, what he was pleased to call an invaluable Constitution, had enjoined the Annual Meeting of the Legislature; and His Honour also referred to the absence of the Lieutenant Governor as again imposing upon him the duty of calling the Members from their private occupations, ascribing to them the greatest zeal for promoting to the utmost, the welfare of the Country. After intimating to the House of Assembly his intention of laying before them Statements of the Provincial Revenue of the Crown, and of the Expenditure, during the last twelve months, His Honour, addressing both Houses, endeavoured to interest them in the success of His Majesty's Arms, as connected with the safety

and tranquility of the Province; but he did not recommend a single Measure of Improvement or Defence, except the renewal of the temporary Acts for the regulation of Aliens, and the preservation of His Majesty's Government, which was considered mere matter of routine in every Session during the war.

The Addresses of both Houses, particularly that of the Legislative Council, enlarged on the topics of the Speech; and the House of Assembly congratulated the President on the prolongation of his Administration during the absence of the Lieutenant Governor, as affording him an opportunity of ensuring a tribute of gratitude for his public conduct.

A Committee having been appointed on the expiring Laws, Bills for their continuance were introduced, and passed with little discussion, the Executive having abandoned their usual endeavour to obtain permanent enactments from a House of Assembly, *which was ambitious of rendering the very existence of His Majesty's Government dependent upon its annual enactments.*

This Session, the renewal of the Act for appointing Returning Officers, afforded a fit opportunity for remedying many alledged grievances connected with the Election of Members of the House of Assembly, the qualifications of Returning Officers and Voters, and the places of Election, all of which were provided for by the Act passed this Session, after much discussion, 47, Geo. III., Cap. 16.

While the Majority of the House of Assembly, during this and future Sessions, were intent on extending and securing their general ascendancy, we find the Members connected with the Executive, confining their views to matters of local convenience or individual profit; and the establishment of new Market-houses in Quebec and Montreal, appears to have chiefly monopolised their attention during this Session of the Provincial Parliament. Acts were passed for those purposes, without exciting much discussion; but, in their execution, they occasioned much obloquy against their Promoters, who were asserted to have been actuated by motives of individual interest and electioneering purposes.

This Session, a Law was passed consolidating the Regulations, which, under a temporary Act, the Justices of Quebec and Montreal had made respecting the reciprocal duties of Masters, Apprentices and Servants, which, if facilitated in its execution by that competition for employment, which is found in old Countries, would have done much for the comfort of families, and the advancement of the Inhabitants of the Province in the useful arts.

This Session was distinguished by an attempt to introduce Assessments for the support of the Infirm Poor, and, at the same time, to suppress Public Beggars and punish Idle Vagabonds. This Measure, which looks well in theory, would require, however, such excellent management, that it is probably fortunate that the Majority of the House were found inimical to it; as indeed they have ever been

to any thing in the shape of direct or permanent taxation. A Poor's-rate, in a Country where every Individual willing to work, may find employment, would be a public encouragement to idleness.

For some years, an experiment had been patronized by the Imperial and Provincial Government, for promoting the culture of Hemp; and this year, we find public examples added to precepts and rewards. Government secured to the Cultivator, a fair remunerating price in the Provincial Market, and the British Society for the encouragement of the Arts, had established Premiums, both honorary and pecuniary, in favour of an improved culture and preparation of this Article. Persons duly qualified, were sent to the Province by the Colonial Department; and experimental Farms for this new branch of industry, were ordered to be established in each District. The system of Culture prescribed, was, however, so repugnant to the careless and slovenly habits of the peasantry, that this costly and troublesome experiment was found inefficient to introduce a new staple production, which, at one time, promised to furnish, in the various stages of cultivation, cleaning and preparation, for a Foreign Market, extensive employment to Men, Women and Children. Under every discouragement, the Government persevered in this desperate experiment; and the late *Commissary Clarke*, so zealous for all kinds of improvement, continued to be authorised for several years to offer Forty-three Pounds Sterling per Ton, for any quantity delivered in a clean and marketable state, into His Majesty's Stores, at Montreal and Quebec.

The Maitres de Poste, this Session, renewed their application for Legislative protection, against those private Individuals who interfered with them in that regulated monopoly of the conveyance of Travellers by land, which they had long enjoyed. This new Act, however, 47, Geo. III., Cap. 5, took particular care to prevent the conveyance of the public Mails, or the exigencies of His Majesty's Service from suffering by this monopoly, which was farther restricted by authorising the Justices to License other persons than the Maitres de Poste, who should stipulate to convey Travellers at a reduced rate, thus leaving an opening for employment to Stage Coaches.

Notwithstanding the frequent Fires which had afflicted Quebec and Montreal, and the spreading of which had notoriously been facilitated by the lately proscribed practice of covering the Roofs of Houses, in those Cities, with Shingles, there were found interested persons to petition for permission to use Shingles, pretending that, when washed with Lime, they would be found less liable to communicate Fire, than Boards. This Petition was not favourably received, owing to the strenuous opposition to its principles, which was known to exist among the principal Proprietors of Houses in Quebec and Montreal.

The first attempt to obtain a drawback of Provincial Duties on the re-exportation of an Article which had paid the Duty, was made

by *Irvine, Macnaught & Co.*, this Session, in which that respectable Firm appeared to be seconded by the whole Mercantile Interest; but the Majority of the House of Assembly would not listen to any Prayers for such a decided facility to Commerce, as the Petition contemplated; *but with respect to Duties imposed by late British Acts, the Bonding System affords a partial relief to the Merchant who had been systematically oppressed by the Financial Principles and Practices of the Majority of the House of Assembly.*

On the 24th of February, the attempt to give pecuniary compensation to the Members, was renewed, and on the following day, the House went into Committee on the subject; when, after a long debate, the adherents of the Executive, and others who considered such compensation as disreputable, and as calculated to lower the character of the Members, obtained a postponement till the 1st of July next.

Much public business was transacted this Session, which was comparatively a tranquil one, distinguished for several arrangements for the advancement of the Police, and the improvement of the Domestic Economy of the Province.—*Party Spirit had not yet extended its effects to destroy social intercourse and good neighbourhood.*

A certain degree of protection was given to the Naval Service and the Shipping Interest, by the Act of this Session, 47, Geo. III., Cap. 9, to prevent the desertion of Seamen; and this being a permanent Act, the Executive has not pressed any amendment, fearing that the increasing jealousy of the French Canadian Majority would replace it by a temporary Act.

J. B. Bedard obtained an Act this Session, granting him an exclusive privilege to build Bridges on a certain construction, during fourteen years, instead of twenty-five years, as he first prayed for. This exclusive right was very unpopular; and excited a very general reluctance to approve of any such modes of encouraging the Arts within the Province.

The Bills to facilitate the erection of a Market-house in Quebec, and an additional Market in Montreal, employed much of the time of the House, which prolonged its Session, by attending to matters of local interest, including the Incorporation of numerous Citizens, under the name of the Quebec Benevolent Society, till the 16th of April, when the President gave the Royal Assent to Sixteen Acts, chiefly temporary, reserving for His Majesty's pleasure, the Bill for Incorporating the Quebec Benevolent Society.

His Honour, in his closing Speech, praised the disposition of both Houses for the promotion of the public welfare, and strongly recommended to the Members to carry the spirit of loyalty and attachment to His Majesty, displayed during the Session, into their respective Counties, inculcating among all ranks of people, obedience to the Laws, and respect for His Majesty's Person and Government.

Soon after the Prorogation, intelligence arrived at Quebec of a general change in the Administration of the Imperial Government. The Ministry which was ironically called "*all the Talents*," in their efforts to please all parties, had attempted various innovations in Laws, Politics and Finances, which excited the jealousy of many powerful interests both in the United Kingdom and in the Colonies. To diminish the accumulation of the National Debt, heavy war taxes, including an increase of the Income Tax to ten per cent, had been imposed; the Navigation Laws had been relaxed in favour of Foreign Vessels, and the Planters in the Sugar Colonies, in addition to the pressure of the new War Duties, had been debarred from the supply of Negroes, by the abolition of the Slave Trade. The whole course of the Opposition, headed by the late Mr. Fox, having pledged him and his associates to economy, this Administration gradually withheld those supplies of British Treasure, which, during the brilliant Ministry of Pitt, had encouraged Austria and Russia to oppose the ambition of France; and, in a great measure, they had lost the alliance and co-operation of those Powers, in the prosecution of a just and necessary war against Napoleon Bonaparte. This Administration might, however, have struggled through the difficulties of domestic and foreign discontents, if they had not incurred the deep displeasure of their King, who was personally beloved and respected by his people. An attempt to diminish the securities, devised by the wisdom of our ancestors, for the protection of our Protestant Government, alienated from this Ministry, the affections and confidence of the Monarch, who could not be reconciled to them by any pleas of expediency, or ostensible abandonment of their formidable projects.

In the months of March and April, a Tory and Anti-gallican Administration was formed, containing many Disciples of the Pitt School, eager to recover the Foreign Alliances, and to carry on an interminable war against the boundless ambition of the Ruler of France; whose measures of commercial and warlike hostility were opposed and counteracted by all those means which wealth, energy and ingenuity could devise and execute. During the late Administration, however, *Alexander, the Emperor of Russia*, disgusted with England, and ambitious of adding to his Empire the Turkish Provinces on the Danube, was lured into an alliance with *Bonaparte*, and into a co-operation with him in his continental exclusion of the Commerce of England. The famous Treaty of Tilsit, in its secret articles, comprehended a general system of European hostility against England; in which it was agreed to force the minor powers to co-operate; and the fortunate disclosure of those articles, by the secret agency of an individual, to the British Ministry, induced them to take strong measures, disarming *Denmark*, threatening *Russia*, and exhibiting the strongest jealousy of the conduct of all Commercial Governments, including that of *the United States, which continued to preserve the appearance of neutrality.*

The general measures of *Napoleon*, and more particularly his Berlin and other Decrees, by which he had declared all neutral Vessels good prizes, which might have touched at any Port of England, or taken English property on board, forced the British Government, in self-defence, to restrict and regulate the intercourse between France and all the neutral Powers engaged in the carrying trade.—These necessary measures, interfered with the freedom of Commerce claimed by the United States, and the dogmas of their President, *Thomas Jefferson*, who found it convenient to proclaim the principles that "*Free Ships should make Free Goods.*" Seeds of hostility were thus sown, which, fostered by permanent and accidental causes, ripened eventually into a war, involving the maritime rights of Great Britain, and the existence of her dominion in North America.

During the year 1806, and part of 1807, the hostility of the United States to Great Britain had been displayed, by prohibiting the importation of certain articles of her manufacture, and by throwing a variety of impediments in the way to prevent the exercise of her rights to the service of her natural born Subjects. The Government of the United States, professing to be neutral, was bound to permit Vessels of War, belonging to Great Britain, to frequent the Coasts and Harbours of that Country; and it was also its duty to afford that hospitality which the practice of civilized nations has sanctioned. It was likewise an established duty of a neutral towards a belligerent power, to facilitate the means used by the latter, to retake Deserters from its Naval and Military Service. The conduct of the Government of the United States, in this respect, was extremely defective; and desertion from the British Vessels of War, on the American Coast, was not only connived at, *but the Deserters were occasionally enlisted among the Crews of American Vessels of War.* An extraordinary and flagrant instance of this conduct occurred, and was made known to *Admiral Berkley*, the British Naval Commander in Chief on the Atlantic Coast, who, acting on his own responsibility, resolved to give a decisive check to a practice, which encouraged and countenanced desertion from His Majesty's Service. Having received undoubted information, the correctness of which was afterwards proved in open Court, that four natural born British Subjects, who had deserted from the *Halifax*, a British Sloop of War, and who had been identified and claimed in the most distinct and formal manner, were nevertheless on board of the American Frigate *Chesapeake*, he took measures to compel their delivery. *Captain Humphries*, commanding the *Leopard*, a Ship of fifty guns, accordingly meeting *the Chesapeake*, commanded by *Commodore James Barron*, on the 23d of June, 1807, who had proceeded to sea on the morning of that day, demanded the Deserters; but the Commodore denied that he had them on board, and refused to allow a search for them, alledging the orders of his Government to the contrary. On receiving this answer, Captain Humphries, who had given to the Commodore a copy of the

Admiral's orders, resorted to force; and, after firing several broadsides, and killing and wounding nineteen of the Chesapeake's Crew, obliged her to strike her colours. A party from the Leopard then came on board of the Chesapeake, mustered the remaining Crew, found and identified the four Deserters, and took them away. As may be supposed, Captain Humphries declined taking possession of the Chesapeake, which Vessel was permitted to return to Port. This action, combined with previous causes of excitement, produced feelings of shame and indignation in the breasts of the great body of the American Citizens, who were deaf to all the reasons which might have palliated the insult. The popular voice demanded immediate vengeance; but the President was neither willing nor prepared to go to extremities. He, however, by Proclamation, interdicted British armed Vessels from entering the waters of the United States, and obtained, from His Britannic Majesty, a prompt disavowal of the act of Admiral Berkley, with a Special Mission for the purpose of agreeing upon a suitable reparation for the insult and injury which had been inflicted, including a provision for the support of the families of those men who had been killed and disabled in the unfortunate rencounter.

We have stated these particulars, as bearing upon the affairs of this Province, and producing the appointment of an enterprising Governor in Chief, a short period of extraordinary prosperity in the Canadas, and a remarkable epoch in the ambition of the Majority of the House of Assembly.

The uncertain relations between the British and American Governments, and the vicinity of the British North American Provinces to the United States, induced the new Ministry to send to Quebec a Governor General of military reputation; and *Lieutenant General Sir James Henry Craig*, who had begun his career in the American Revolutionary War, and distinguished himself in every quarter of the world, arrived on the 21st of October, 1807, and opened his Commission and took the oaths of Office on the 24th of the same month. He found the Military Affairs of the Province well administered by *Major General Brock*, Commander of the Forces, during the Presidency of Mr. Dunn; but Civil and Legislative Business was much in arrear. The Militia had been regularly reviewed, and the drafts, authorised by Law, on extraordinary occasions, had taken place; but the Legislature, during two years, had done little more than debate and resolve on a variety of subjects, *without providing for the exigencies of a Commercial Colony, so peculiarly situated with reference to Upper Canada and the United States.*

In the latter country, the temporising character of President Jefferson meditated a most extraordinary display of what his fellow-citizens called "*restrictive energies*" against Great Britain and France; whose mutual hostilities, as already mentioned, interrupted that complete freedom of American Commerce, which his ideas of national indepen-

dence required. Instead of either choosing his party and declaring war, or permitting the enterprising commercial citizens to arm their vessels and have a chance of still enjoying much foreign trade, this philosophic ruler prescribed a temporary retirement from all maritime intercourse; and accordingly, at his suggestion, and to the utter amazement of the civilised world, the Congress of the United States, at the commencement of the Session in December, 1807, laid an Embargo upon all American vessels, and soon after prohibited all intercourse by land and inland navigation with the Canadas and other British American Provinces. At first it was supposed by the Merchants residing in this Province, that this *dignified retirement*, as it was ironically termed, could not last many weeks; but when these practical men found that the *Philosopher* was obstinate in support of his new theory of coercing the belligerents by *restrictive energy*, they began a variety of speculations on an extensive scale; in which they were seconded by an active contraband trade, carried on between the frontier settlements of both countries. American produce and capital, from New York and the Northern States, were poured into this Province for many months; and the Exports from Quebec to Great Britain and to the West Indies in the year 1808 were double the accustomed value. But consequences of greater importance than the extension of Commerce arose from this activity of intercourse. The keen and discriminating eyes of the Americans, resorting for Commercial purposes to this Province, discovered and exposed the vices of its political Constitution, and the effects of its domestic economy. *The public prints were filled with remarks upon the bad roads, the want of accommodation for travellers and speedy transport by land and water for merchandize in Canada. The inconveniences, of French Laws, Language, and a tenure of lands, forming such a contrast to the situation, improvements and anticipations of the United States, were ever recurring themes for writing and conversation.* The new Governor General and his Executive Council could not help feeling the influence of these discussions; and, notwithstanding previous failures, Sir James Craig's Administration renewed the attempt of Legislative and general improvement, attended however, with much trouble and little success.

The fourth Session of the fourth Provincial Parliament was opened on the 29th January 1808, by the Governor General, with a long Speech, which chiefly dwelt upon the warlike exploits and energies of Great Britain and the benefits which had accrued to the Province from its connection with that powerful Empire. The recent arrival of His Excellency at Quebec, his infirm health, preventing his personal examination of the Country, and its inhabitants, induced him to speak in rather general terms of its situation and circumstances; but the tone of His Speech gave reason to expect that, both in his Civil and Military capacities, he would act with vigor and decision. He alluded to the unpleasant discussions and fruitless negotiations which had taken place between His Majesty's Government and that of the United

States, expressing a hope, however, that the beneficial intercourse between two nations of the same race and origin could not be long interrupted. In the present uncertainty of the result of negociation, he expressed his satisfaction at the tokens of loyalty which had been displayed in the Province, by the Militia, and the mass of the population; and he looked forward with confidence to proofs of attachment to His Majesty's Government in the day of trial, how soon or whenever it might arrive. His Excellency next recommended a revision of the Militia Laws, with the view of rendering them more suitable to the present circumstances and prospects of the Province. Addressing the House of Assembly, His Excellency said that he would lay before that body Statements of the Provincial Revenue of the Crown and of the Expenditure for the last twelve months. Addressing both Houses, His Excellency stated his intention of hastening the erection of Gaols for the Districts of Quebec and Montreal; and he ended his Speech with some remarks upon the duties of those who are called to legislate for a free people.

The Addresses of both Houses were perfect echoes to the Speech, blended with repeated compliments to His Excellency on his appointment to the Government of this Province, and to the extensive Military Command of His Majesty's Forces, in British North America. All this flattery, on the part of the Majority of the House of Assembly, will appear however only a cloak to their encreasing ambition, which during this Session could not help discovering itself in a variety of ways, *proving that the Constitutional Acts would in practice be frail barriers to their encroachments.*

Passing by some matters of routine and local concern, to which we shall afterwards return, we now hasten to review some Constitutional questions, which the House of Assembly took upon itself to settle with a degree of egotism and presumption which astonished every unprejudiced and disinterested spectator. Our political Hypothesis, resting chiefly upon an ascribed ambition in the French Canadian Majority, of exclusive domination, will, in our opinion, receive much proof and illustration from their conduct in some particulars this Session. The first measure against the Constitution was a Resolve, carried by a Majority of 21 to 5, "*that Ezekiel Hart, Esquire, professing the Jewish Religion, cannot take a seat nor vote in this House.*" This expulsion was equally contrary to the Constitution, and to other Acts of the British Parliament, which had conferred all the rights of British Subjects upon all Jews who might have resided seven years in any British Colony. Mr. Hart was not only a native of Canada, but also a person of unblemished character; and the pretension of the House of Assembly to exclude him was necessarily viewed by his Constituents and by the Executive as highly unconstitutional. This Resolve of the House was also calculated to alarm all those Colonial Subjects who deprecated the introduction of a religious test or qualification for a seat in the Assembly; and we can only account for the

success of this encroachment, by supposing that the importance of a principle was not sufficiently appreciated by the great body of Subjects of British origin, whose dearest interests were opposed to the pretensions of the French Canadian Majority of the House of Assembly.

The next unconstitutional measure was the Bill introduced by *Mr. Bourdages* for disabling Judges from sitting and voting in the House of Assembly, which Bill was pased on the 4th March, by a Majority of 17 to 8, and sent for concurrence to the Legislative Council; where it was unanimously rejected, as unconstitutional; after a long discussion of its character and consequences, in which the late *Mr. De Lothbinière* bore a conspicuous part.

Having shown a desire to introduce a religious test as a qualification for a seat in the House of Assembly, the Majority next proceeded to interfere with His Majesty's Prerogative, and to dictate to the Sovereign by what means and by what description of persons the Waste Lands of the Crown should be settled. On Thursday the 24th March, it was resolved, on motion of Mr. Bedard, seconded by Mr. Taschereau, "*That this House will, on Monday next, resolve "itself into a Committee of the whole House to take into consideration "the alterations it may be expedient to establish, touching the nature "and consequences of Grants in Free and Common Soccage, and the "precautions necessary to be adopted to prevent the Crown Lands "being settled by strangers professing principles inimical to those ne-"cessary for preserving this Country to His Majesty's Empire.*"

To facilitate further proceedings in this proposed regulation of His Majesty's Prerogative, it was resolved on the 28th March, by a Majority of 11 to 5, "*That for the remainder of this Session, ELE-"VEN MEMBERS, Mr. Speaker included, shall be a competent quorum "to proceed in the despatch of public business.*"

On the 1st April, the House in Committee renewed the consideration of the subject of the Waste Lands of the Crown; but no Bill founded upon the Resolves was introduced this Session.

We now return to the ordinary and less characteristic proceedings of the Members, during a Session when the accumulation of public business, and the urgency of Petitioners for new laws, produced no less than thirty four Acts on the Statute Book of Lower Canada. Several of those Bills were of great commercial utility; as 1st, The Bill introduced 8th February, for the better regulation of the weights and rates at which certain Coins shall pass current in this Province, and for preventing the falsifying, impairing or counterfeiting the same. This measure was calculated to meet the consequences of some alterations in the regulations respecting the Currency of the United States, which Country, having gradually increased its national coinage, began to reject all cut and light foreign coins, which were poured into Canada by speculators.*

* It is worthy of remark that no subject at present is more deserving of the consideration of the Legislature than the means of replacing the defaced and impaired

2nd. A Bill to regulate the Lumber Trade was also a very necessary measure which had for several Sessions been petitioned for by the Merchants of Upper Canada as well as by those of the Lower Province. The Act, as finally passed, was considered objectionable, in allowing Commissions to be granted to persons in the employ of the great Lumber Merchants in Quebec. Various amendments have since taken place; but we think that the experience of the intelligent citizens of New York, should long ago have suggested to our Legislature the expediency of establishing *one Inspector, authorised to appoint Deputies, and made responsible for their conduct.* This principle might be usefully applied in regulating the Inspection of Potashes, Flour and Provisions, and would prevent that hurtful competition among our Inspectors, which has long tended to lower the standard of qualities, and depreciate the comparative value of Canadian Produce in the Markets of the United Kingdom, the West Indies, &c.

Among the Commercial projects and enquiries of the Session which were postponed, we shall mention the Bill, introduced by Mr. Richardson, for the establishment of a Bank in Montreal. The House proceeded no farther in this measure than to go into Committee; and notwithstanding the indefatigable efforts of its friends, renewed in the the next Parliament, the Bill was finally postponed.*

This Session furnishes the first instance of an enquiry into the state and relations of the intercourse between Quebec and the West India Islands. The regulation of trade depending chiefly on the Imperial Parliament, the House did not appear disposed to interfere even by Address to His Majesty; and the Merchants, forming themselves into Committees in Quebec and in Montreal, made application through a private Agent in London, and obtained from the Imperial Parliament decisive encouragement to the intercourse between

Silver Coins which circulate among our ignorant peasantry, by British Coins of proper weight and standard. The longer this measure may be delayed, the greater will be the loss to the Province; for we cannot suppose that individuals, or even the Banking Institutions, should be saddled with the expense of the proposed reform in the Colonial circulating medium.

* Ten years afterwards, when a private association, consisting almost entirely of Merchants of British origin, had made a successful experiment in Banking business, the Legislature was induced to grant Acts of Incorporation, with the usual privileges, to one Bank in Quebec and two Banks in Montreal. Much opposition was made to these measures, not merely by persons hostile to Corporations of Colonial origin, but also by those who *deprecated the establishment of Banks before that of Register Offices,* considering, with much appearance of reason, that the security and other objects of the former institutions could not be attained without the latter. Events have rather approved this opposition; and, partly from the want of Register Offices, partly from the ignorance of the great Majority of the French Canadians, limiting the circulation, besides other defects peculiar to this community, the Stockholders, more particularly of the Bank of Montreal, bear an ample share of the general losses which occur by Bankruptcies, Mortgage frauds, and other evils which yearly increase, and threaten to destroy that confidence between man and man, which is the basis of public and commercial credit.

Quebec and the Island of Bermuda, by the Act 49, Geo. III. Cap. 16, besides the redress of many minor grievances, and the removal of inconveniencies attending the intercourse between Quebec and foreign Ports to the South of Cape Finisterre, in Europe.

The Act for the Trial of Controverted Elections, was passed this Session, being 48, Geo. III. Cap. 21, already alluded to. This Act was afterwards repealed by the Act 5, Geo. IV. Cap. 5, which, consolidating and modifying previous enactments, gave full scope to that principle of universal suffrage, which, under the present Constitution, will always secure to the French Canadians an overwhelming Majority in the popular branch of the Legislature of Lower Canada.

The limits which we have prescribed to ourselves prevent our detailing the variety of Acts passed during this busy Session, which was closed on the 14th April; when the Governor General spoke, in high terms, of the zeal, moderation and dispatch displayed by the Members of both Houses. His Excellency, alluding to the encreasing number of the foes of Great Britain, and to the uncertain relations existing with the United States, strongly enjoined upon the Representatives returning to their residences, the duty of correctly informing their Constituents of the difficulties existing and in prospect; fortifying their minds with that courage and loyalty which should distinguish those to whom was entrusted the preservation of the many blessings enjoyed under the protection of His Majesty's Government.

Thus ended the fourth Parliament, dying a natural death, a peaceable fate denied to several of its successors. Besides the general principle that excessive ambition leads individuals and public bodies to final destruction, we shall be able to alledge particular causes for the short existence of various Houses of Assembly of Lower Canada, without being able to assert that the punishment inflicted produced reformation or even repentance in the Constituents and Representatives.

CHAP. X.

A. D. 1809.

Fifth Provincial Parliament.—Preliminary remarks upon that rising Oligarchy, which the vicious principles of the Constitution rendered a necessary evil, for the support of British Ascendancy.—Composition of this Oligarchy, and of the Quebec Junta, more strictly connected with the Executive.—Review of the symptoms of the increasing hostility of the French Canadian Majority to this Junta.—The Majority establish the Canadien, a French Newspaper, to counteract the Quebec Mercury, an English Newspaper, devoted to British principles and improvements.—Conduct of the Canadien and of its Patrons and Contributors.—Both the Mercury and the Canadien recommended to Writers on the Administration of Sir James Craig.—Violence of the Canadien, when Mr. Panet lost his election as one of the Members of the Assembly for Quebec.—The Governor General dismisses Mr. Panet from his command in the Militia, on account of his support of the Canadien Newspaper, and his general hostility to the Local Government.—The Governor General now openly opposes the Leaders of the French Canadians, and, in this situation, necessarily becomes the head of the British party, and prepares to redress the grievances of His Majesty's Subjects of British origin.—Review of those grievances in the Townships under the English Tenure, and in the Roman Catholic Parishes, under the Feudal Tenure.—First Session of the fifth Provincial Parliament.—Mr. Panet re-elected Speaker.—Speech of the Governor General to both Houses, describing the uncertain relations between Great Britain and the United States.—His Excellency alludes to the favorable stimulus given to the industry of the Province by the American Embargo.—He recommends that some laws should be devised for the permanent encouragement of the industry thus excited.--He gives his opinion that, notwithstanding the prosperous state of the Province, internal jealousies existed, requiring a harmonious co-operation between the different branches of the Legislature.—Addresses of both Houses.—Abortive attempt of the Majority, in the Address of the House of Assembly, to disprove the existence of internal jealousies.—Reflections on this attempt; and on the supposed neglect of previous Administrations to state those jealousies and their permanent causes to His Majesty's Imperial Government.—Party spirit interferes with the routine business of the House of Assembly; the Majority of which bend their whole force to destroy the Oligarchy.—They renew the attack on the right of the Judges of the Court of King's Bench to be Elected Members of the House of Assembly.—The proceedings on this subject assume a Revolutionary character, by the attempt of the Majority to expel the Judges at once, instead of renewing the Bill for their exclusion—This attempt defeated; and the Majority revert to the Constitutional pro-

ceeding by Bill.—Ezekiel Hart, the Jew, re-expelled.—State of the Provincial Revenue and Expenditure, referred for the first time to a Special Committee of the House of Assembly.—Causes of this reference, and of the subsequent attempt to obtain the controul of the whole revenue, including the produce of Taxes existing before the Constitution.—First Statement of Imports and Exports.—Dissatisfaction of the Governor General with the character and conduct of the Majority.—His Speech Proroguing the Legislature, and intimating his intention to dissolve the House of Assembly.—Reflections upon the inutility of repeated Dissolutions, instead of an exercise of the right of the Imperial Parliament to amend the Constitutional Act.

In our preceding Chapters, we have had frequent occasion to allude to the commencement or *nucleus* of an Oligarchy in the Government of Lower Canada, which, if firmly established, would have enabled the Country to vegetate in tranquillity, but would never have been essentially useful in Anglifying the Province, and in rendering it a British Colony in *fact*, as it had been for half a century in *name*. This Oligarchy, besides the Executive, consisted of the Majority of the Legislative Council, the Members of which body were appointed for life by His Majesty, with the same unrestricted Prerogative as is exercised, in the United Kingdom, in the creation of Peers of the Realm. Another part of the rising Oligarchy, consisted of the few Executive Councillors, Judges, Crown Lawyers, and other Officers of the Government, who had obtained seats in the House of Assembly. The third and most efficient part, might be denominated the Composite, consisting of Members of the other parts, forming a private Committee or Junta, having an extensive correspondence throughout the Country, and exercising no small influence over the Clergy and other important classes of the Community. This Junta, from the nature of its composition, its location in Quebec, and its strict connection with the Executive, had considerable sway in the Courts of Justice; and, being the only Association which would tolerate the smallest innovation upon the French and Feudal Laws, its power was generally supported, or at least not reprobated, by the Merchants and Inhabitants of British origin. This anomalous body, which, however modified by circumstances, must always exist under the present vicious Constitution, so long as British ascendancy or influence shall not entirely depend upon Military Force, had been a constant object of jealousy to the French Canadian Majority of the House of Assembly. This jealousy was at first evinced by preventing any person, suspected of attachment to the Junta, from becoming the Speaker of the Assembly; next, by severely scrutinising all Measures proposed by the Legislative Council, and by persons of British origin, declaiming against them at public meetings for electioneering or other purposes; and lastly, in the year 1806, by establishing a French Newspaper, called the Canadien, with the combined views of calumniating the Executive, the mediatorial Junta, with its

British Adherents; and holding up the House of Assembly as the only body worthy of the confidence of the "*Nation Canadienne.*" This Newspaper, marking a new epoch in Canadian politics, collected facts and documents, old and new, for the express purpose of distorting them, and, by false analogies, misleading the ignorant peasantry, whose ears were regaled, in every corner of the Country, by appointed readers of the Canadien, or, as it was sometimes called, *the National Monitor.* Among the Documents published and commented upon, in this vehicle of misrepresentation and abuse, was a letter written by the late General Murray, soon after the Conquest, in consequence of a quarrel between that imprudent Governor and the British Settlers, filled with the most passionate complaints against them. This letter was not only adopted by the Canadien, as containing a true statement of facts, but also as exhibiting a correct view of the character of the Merchants and other Settlers of British origin, in the year 1807; when, instead of a few army followers and transient adventurers, the Province, and more particularly its Cities, contained thousands of Britons of unsullied reputation, *who had been the principal improvers of the Government, Agriculture and Commerce of the Colony.* Distortion of facts and calumny against the local Authorities were, however, blended with hypocritical professions of loyalty to the King, and confidence in the Imperial Government, who were always represented as friendly to the ascendancy of the French Canadians, and to the full developement of a Constitution, which insured to the latter exclusive domination in Legislation and Finance. Meantime, the Quebec Mercury, a Newspaper begun in the year 1805, devoted to British interests, and employed in exposing the intolerable grievances inflicted by French Laws, Feudal Burthens, and a House of Assembly, which had founded its encroaching power upon the prejudices of an ignorant population, watched and harassed the march of the Canadien with a zeal and persevering spirit which render its pages, and those of its rival, interesting studies to all writers on the Administration of Sir James Craig. During the election of Members for the fifth House of Assembly, in June, 1808, the disappointment of Mr. Panet, in his expectation of being re-elected a Member for the City of Quebec, ascribed to Executive intrigue, produced such opprobrious violence, in the pages of the Canadien, as drew the attention of the Governor to the conduct of that Paper and its acknowledged Patrons; Mr. Panet being one of those, and, from his long occupation of the office of Speaker, considered a person of influence in the Assembly and among the Constituents, was deemed a fit object of Executive disapprobation; and it was naturally supposed that his disgrace would be a warning to the more obscure opponents of the Government. He was accordingly dismissed from the office of Lieutenant Colonel of Militia, accompanied by a few of his known adherents; and the Governor condescended to order this Measure to be privately explained, as being the consequence of the

seditious tendency of his speeches and writings, in the *Canadien* Newspaper. Sir James Craig, with characteristic firmness, now took his stand against the Leaders of the French Canadians; and, having had time to ascertain that, under the present Constitution and circumstances of Lower Canada, no Governor, in his civil capacity, is able to balance contending parties, he drew to his standard the Merchants and other Inhabitants of British origin as the principal means of preserving British ascendancy. From his new and commanding position, he now reviewed the state of the Country, and perceived, with sorrow, the multiplied grievances of the British population, particularly in the Townships under the English Tenure. The Oligarchy, not only from the private interests of part of its Members, but also from the less exceptionable motive of *keeping up the appearance of internal concord and tranquillity*, had uniformly discouraged the open expression of discontent on the part of the Inhabitants of British origin in the Seigniorial Parishes, and in the English Townships of Lower Canada; and it is still a matter of doubt, whether the Imperial Government had previously been informed of the innumerable evils inflicted by the Constitution, in connection with French Laws, *upon a part of the population, which peculiarly merited its protection and fostering care.* The Settlers in the Townships, hampered in their efforts for improvement, by the absurd and hurtful location of two sevenths of the lands as Crown and Clergy Reserves, in scattered lots, languished upon partial unconnected clearances, throughout the forests, *without a single voice, in the House of Assembly, to proclaim their rights, represent their grievances, or suggest means of rendering them reciprocally useful, by roads of communication.* At this period, indeed, their communications with Quebec, Three Rivers and Montreal, were hardly practicable; and they were, in a great measure, debarred from the benefits of Civil Government and the administration of justice: hence, the public duties of the Subjects of free Governments being strictly connected with the enjoyment of rights, these unfortunate Settlers were gradually sinking into a state of lawless and reckless alienation from the rest of the Province. The situation of the Protestants in the Seigniorial Parishes and Villages, though not intolerable, was attended by numerous inconveniencies, calculated to discourage the resort of British Emigrants to Lower Canada. Incontrovertible facts, and the acknowledged tendencies of human nature, give reason to believe that Protestants were never cordially welcomed by the Majority of the Romish Clergy; their freedom from the obligation to pay tythes, afforded no desirable example to the Roman Catholic Parishioners, while their disregard of holidays, processions, and other customary observances encroaching on time, could not fail to excite the jealousy and envy of all who perceived the fruits of uninterrupted industry. Their education and prepossessions, equally hostile to feudal burthens and French laws, rendered them troublesome vassals to

the Seigneurs, particularly to those of French origin; whose banal rights, mutation fines, and privileged claims, were frequent causes of expensive and ruinous litigation. The disagreements thus excited from previously existing causes, were aggravated by some recent regulations of the Provincial Legislature. The Protestant, for instance, might desire to obtain a license for keeping a Tavern or House of Entertainment. For this purpose, it was required by Law that he should present a certificate of good conduct and character, signed by the Rector and Wardens of that Church, which he neither reverenced nor supported; but the notorious fact may be readily believed, that such a certificate was often refused under various pretexts and pleas, which the Courts of Quarter Sessions, and the Protestant claimant could not speedily obviate and dismiss; difficulties and jealousies also arose from the circumstance of there being established by law, a distinction between British and Canadian Militia. But we pass from these to a more serious inconvenience, and cause of deterioration, in the religion and morals of the small parties of Protestants scattered through the Seigniories. Their distance from Protestant Churches, rendered the celebration of Matrimony, the baptism of Children, and the interment of the Dead, with due solemnity, expensive and difficult; it being often necessary to take a journey of fifty miles, going and returning, for those purposes. A competent and impartial Legislature would have obviated these inconveniencies, either by empowering Magistrates to celebrate matrimony and establish burial places, or by the less exceptionable measure of facilitating the license and compensation of Missionaries to baptise Children, solemnise Marriages, and administer periodically religious consolation and instruction at different stations. These privations continue to be notorious at the present day; and it is needless to add that the House of Assembly has done nothing to relieve this interesting portion of His Majesty's Subjects, *who, nevertheless, under every disadvantage, persist in furnishing occasional examples of successful industry to the French Canadians.*

Those remarks on the Minority of the population of the Country, will best serve to account for some unwelcome allusions to internal jealousies, made in the Governor's Speech to both Houses of the new Provincial Parliament; which, after an unusual delay, was summoned to meet for the despatch of business, on the 10th of April, 1809.

The House of Assembly, which contained several new Members, *including Mr. D. B. Viger, and Mr. Louis Joseph Papineau*, proceeded, by command of the Governor, to elect a Speaker. *Mr. J. A. Panet* having been proposed, some conversation took place as to the probability of his being rejected by the same personage who had recently dismissed him from his high rank in the Militia; and, with the alledged view of avoiding so painful an exercise of the Prerogative, *Mr. Justice Debonne* proposed *Mr. D. B. Viger* as Speaker, eulogising his knowledge of the laws, his independence, and industrious ha-

bits of business. The Majority however re-elected *Mr. Panet*, whom the Governor, though in measured terms and in a cold manner, approved. The Session was then opened by His Excellency, with a Speech to both Houses, which enlarged upon the foreign and domestic affairs of the Province, and his favorite theme of the warlike exploits of Great Britain. He stated the protracted negotiations between His Majesty and the Government of the United States, and gave his opinion, that the course of discussion and proposed measures of the latter indicated no speedy adjustment. The Embargo, so injurious to the citizens of that Country, had been removed; but Congress had substituted for it an act of non-intercourse against both Great Britain and France, to take place on the 29th May, and continue in force until the obnoxious decrees of Napoleon and the Orders in Council of His Majesty should be annulled, *in so far as they affected the United States;* the intercourse to be restored with each power immediately after the promulgation of such annulments. With this uncertain prospect before them, His Excellency recommended the renewal of the temporary Acts, for the regulation of Aliens and the preservation of His Majesty's Government. Alluding to the Spanish Revolution, the Emigration of the Royal Family of Portugal to the Brazils, and the share which His Majesty's Army and Navy had in those important events, His Excellency congratulated both Houses on the brilliant victory of Vimeira, and the subsequent retreat of the Forces of the Tyrant of France from Portugal. Addressing the House of Assembly, he promised to lay before it Statements of the Provincial Revenue of the Crown and of the Expenditure during the last twelve months; and he next called the attention of both Houses to the rectification of an accidental error in an Act of the preceding Parliament, for the relief of the insane and the support of foundlings; the consequences of which error he had obviated on his own responsibility. His Excellency then adverted to the prosperity of the Province; and recommended that the stimulus to improvement given by the American Embargo should be followed up by measures of domestic legislation, for the permanent encouragement of that industry, which had been called forth, by external and fortuitous circumstances. After this important recommendation, His Excellency proceeded as follows:—"*You, Gentlemen, who are collected from all parts of the Pro-*
"*vince must be sensible of its flourishing situation, and of the happi-*
"*ness enjoyed by a people unrestrained by any control but that of the*
"*laws, which, enacted by their own Representatives, can solely be direct-*
"*ed to their benefit and to the advancement of their prosperity. These*
"*blessings will be unalterably insured by the diffusion of a spirit of har-*
"*mony and concord, the cultivation of which is more especially called*
"*for, from those who have the happiness of the people at heart, from the*
"*peculiar circumstances of the different parts of which they are compo-*
"*sed. If any thing can intervene to blast the prospect before us, it can*
"*be only the admission of causeless jealousies, and suspicions still more*
"*unfounded, and assuredly most unmerited, towards that Government*

"*under whose protecting and fostering care you have attained to your* "*present state of felicity.*"

The Speech ended by explaining the cause of the unusually short notice given for the meeting of the Parliament.

The Addresses of both Houses were confined to the topics of the Speech; but a portion of the usual Majority of the House of Assembly, named below in a note,* attempted to contradict the paragraph quoted from His Excellency's Speech, which alluded to causeless jealousies, *denying the existence of such jealousies, and ascribing the assertion of them to the insinuations of persons not sufficiently known to His Excellency, which persons were alledged to have neither the welfare of the Government of this Province nor that of the people, whose happiness is entrusted to its care, at heart.*

This observation was levelled at some Members of the Oligarchy, and more particularly at *Judge Debonne*, who had become an object of continual hostility on the part of the Speaker and some other Leaders of the *Nation Canadienne*, on account of his interference with their pretensions to exclusive domination in matters of Legislation and Finance. Its insertion, however, in the Address was overruled; a part of the Majority were satisfied with the near prospect of a more signal vengeance, not only upon the Judge in question, but involving the perpetual proscription of all Judges as Members of the House of Assembly. The Majority well knew that jealousies existed; and His Excellency might have known that they must always exist, under the present Constitution, to such an extent as to paralyze the energies of the Government; and it is a subject of regret that we have no decisive proofs that those causes were candidly and forcibly stated and recommended to the consideration of the Imperial Government even previous to the Administration of *Sir James Craig*. It is in our humble opinion totally inconsistent with the wisdom ascribed to the British Government, to suppose that, if *Sir Robert Shore Milnes* had presented a true state of the Province to the Colonial Department of His Majesty's Government, and solicited their attention to the theory of the Constitution and its practical effects, they should not have immediately applied themselves to devise a remedy for the yearly accumulating evils affecting the Subjects of British origin, and sapping the foundation of British Ascendancy in the Canadas. A neglect of such information would be tantamount to treason to the Colonial policy and interest of the Empire.

But it is time to return to the events of this short Parliament.—The excitement of party spirit rendered some laws relating to local improvement objects of much debate in the House of Assembly; the conflicting claims of new and old market-houses occupied much of the attention of the Majority; but nothing was done to compromise them.

* *Messrs. Hebert, Chagnon, Delorme, Bourdages, Huot, Borgia, Bedard, Louis Roi, Durocher, Robitaille, and Trestler.*

These debates, however, proved to the satisfaction of all unprejudiced persons that the Governor had good reason to assert the existence of jealousies, so far as regarded local matters.

The Journals of this Session contain the substance of many Petitions for objects of internal improvement and police; but, as any proceedings on them were interrupted by the agitation of more important questions, we shall pass them by, and attend exclusively to the progress of the disorder which produced the first dissolution of a Provincial Parliament of Lower Canada.

The Majority of the House of Assembly showed considerable powers of discrimination in choosing the part of the Oligarchy, which they meant first to attack; but being influenced by personal feeling, they did not conduct their operations with the coolness which suits the Legislative character. There was, indeed, no part more open to attack through the analogies of the British Constitution, nor through the more open and direct road of practical inconvenience, arising from the increase of party spirit. So long as the Judges could be elected, as at the first election, with little contest, the inconveniency was small; and their knowledge of the French Laws was rather the means of facilitating legislation, and checking innovation upon them; but when, so early as the second election, the contests became warm, the Judges were, in some measure, degraded by the intrigues of their partizans, who were not scrupulous in using the judicial power to work upon the hopes and fears of the Electors. The Majority had collected a variety of facts on this subject; and, if they had been satisfied with combining them in a printed Report, it is probable that the Executive and the Electors would have, in due time, admitted an innovation upon the Constitution, and that a Bill for their exclusion, at a stated period, would have received the sanction of His Majesty's Representative. This feeling seems to have extended to the Judges themselves; for, in the year 1808, *Mr. Justice Panet*, whose services in the House had been duly appreciated during several Parliaments, having ascertained that his future election would be contested, refused to present himself on the Hustings, giving such an example as would eventually have been followed by others of his class. The Majority, however, not considering that, *by summarily attacking a Constitution so favourable, in general, to the power of the French Canadians, they were putting arms against it into the hands of the Subjects of British origin, to whose interests and inclinations it was so radically hostile;* did not renew the Bill for disabling the Judges, which had been rejected in the Legislative Council during the last Session of the previous Parliament; but the precipitation with which they acted, shewed rather a desire to be *a Constituent Assembly*, than the mere concurrent Executors of the Act of the British Parliament, 31, Geo. III., Cap. 31, which alone created and prescribed their functions. Having made up their minds in secret conclave to treat both Judge and Jew in the same manner, they pro-

posed to exclude both by single Resolves. or, if we may be permitted to use a revolutionary expression, *by Decrees passed with acclamation.*

On the 18th of April, almost immediately after having, in their Address, eulogised the Constitution, they made the experiment on its pliability to purposes of ambition; and *Mr. Bourdages*, seconded by *Mr. Louis Roi*, moved to resolve, *that the Judges of this Province, agreeably to the laws and customs of Parliament, cannot take a seat, nor vote nor sit in this House.* On the 22d of April, the House being in Committee on this violent Measure, its warmest partizans were discovered; and *Mr. J. A. Panet, the Speaker*, gave his casting vote against a postponement to the 9th of May; and when, as a compromise, *Mr. Cuthbert* moved that the Resolve should, instead of being discharged, be taken into consideration on the 30th of July next, there was a Majority of two in favour of the amendment, and the question being taken on the original motion thus amended, was carried by a Majority of 23 to 17.*

Not discouraged, but a little cooled by this defeat, it was resolved on the 25th of April, to appoint a Committee of five Members, namely, *Messrs. Bourdages, Bedard, Borgia, Louis Roi, Meunier*, to inquire if any and what inconveniencies have arisen at elections where the Judges of this Province have been Candidates, with power to send for persons and papers, and to report thereon with all convenient speed.

The Report of this Committee, being in favour of a Bill, for disabling the Judges *immediately*, it was accordingly introduced, and passing through the usual stages, was ordered to be engrossed, on the 12th of May. Its farther progress was prevented by the Prorogation hereafter mentioned.

The proceedings in the case of the Jew, were more summary; and *Mr. Ezekiel Hart*, whose case we alluded to in our last Chapter, was again repelled by a single Resolve of the House.

The Governor General having laid before the House of Assembly the accounts of the Provincial Revenue of the Crown and of the Expenditure, they were, *for the first time*, formally referred to a Committee; the cause of this reference was well understood, *by those in the secret;* for they had made up their minds to propose the payment of the necessary sums for defraying the civil expenses of the Government of the Province. Having, as mentioned in our previous Chapters, proscribed all Assessments and direct Taxation, and being animated by the prosperous state of the Revenue, in conse-

* Those who voted against this amended Motion, are to be considered as favourable to the course *that every constitutional question rejected by the Legislative Council, should be reintroduced and settled by Resolves*: we give their names as follows:—Messrs. Hebert, Robitaille, F. Roi, Meunier, Duclos, Delorme, *Papineau, Viger*, M. Caron, Chagnon, *Bourdages, Bedard*, Borgia, Trestler, Durocher, Langlais, L. Roy.

quence of the American Embargo, the Majority naturally conceived that now was the time to offer, as a proof of loyalty, the pledge of assuming the Civil Expenditure, and thus have a plausible pretext, *to regulate Salaries, and limit the number of all public Officers, according to their ideas and national partialities.* So long as the necessary expenses greatly exceeded the Revenue arising from their favourite system of taxes on Commerce, *and the excess was voted by the British House of Commons,* they had remained silent; but, no sooner did the prosperous circumstances of the Province open a new path of ambition, than it was seized with that enthusiasm, which the prospect of securing an unlimited controul over the Executive, could not fail to inspire.

The amount of the whole Revenue this year, was forty thousand six hundred and eight pounds fifteen shillings and six pence currency, or about thirty-seven thousand pounds sterling; and the amount of the Expenditure, including the expenses of collecting the Revenue, and two thousand four hundred pounds, the quota of drawbacks payable to Upper Canada, was forty-one thousand pounds sterling.

Among the Accounts ordered by His Excellency to be laid before the Legislature, we find Statements of the Imports into, and Exports from, the Port of Quebec, showing an extraordinary increase of Commerce.

Having already mentioned the revolutionary temper, so openly displayed, and indicated the projects of ambition preparing in the House of Assembly, our readers may not be surprised to learn, that Bills and other communications from the Legislative Council, were treated with opprobrium and contempt, and that finally, the patience of His Excellency was exhausted.

On the 15th of May, the Governor General closed the Session, and intimated his intention of dissolving the House of Assembly, in a Speech which exhibited that mixture of military frankness and disdain of compromise which suited his character, *and formed an extraordinary contrast to the Speeches of all his predecessors.*

His Excellency began by stating the apparent arrangement of all differences with the United States, by Mr. Erskine; which, *like the arrangement of Legislative differences in the year* 1825, *by Sir Francis Burton,* was doomed to be disapproved by His Majesty's Ministers. This unexpected arrangement with the United States, not having taken place till the middle of the Session, His Excellency expressed his displeasure that, in the critical circumstances of the Country, the House of Assembly had not attended exclusively to the means of preparing the Province for defence, and with this view, cultivated a spirit of harmony among themselves and the other branches of the Legislature. After stating that he had failed in every expectation, His Excellency proceeded as follows:—

"*If any further proof of the misuse of your time were necessary, I have just presented it in being called upon, after a Session of five*

weeks, to exercise His Majesty's Prerogative of Assent to only the same number of Bills, three of which were the mere renewal of Annual Acts, to which you stood pledged, and which required no discussion."

"*So much of intemperate heat has been manifested in all your proceedings, and you have shewn such a prolonged and disrespectful inattention to matters presented for your consideration, by the other branches of the Legislature, that whatever might be the moderation and forbearance exercised on their parts, a general good understanding is scarcely to be looked for without a new Assembly.*"

"*I shall not particularly advert to other proceedings which appear to be unconstitutional infringements upon the rights of the Subject, repugnant to the very letter of that Statute of the Imperial Parliament, under which you hold your seats, and to have been matured by proceedings which amount to the dereliction of the first principles of natural justice; and I shall abstain from any farther enumeration of the causes by which I have been induced to adopt the determination which I have taken; because the part of your conduct to which I have already referred is obviously, and in a high degree, detrimental to the best interests of the Country, such as my duty to the Crown forbids me to countenance, and compels me to have recourse to a dissolution as the only constitutional means by which its recurrence can be prevented.*"

Thus ended the fifth House of Assembly of Lower Canada; and His Excellency resolved, by a new Election, to appeal to the sense of His Majesty's French Canadian Sujects, without apparently considering that the Prerogative exerted, could have no more influence in producing harmony, than the mechanical process of blowing the bellows, in the music of the organ: he could renew the power to legislate; but he could not, in the circumstances of the Country, under the present Constitution, select or influence the Legislators; and the obnoxious Assembly fell, like the fabulous Anteus, to the ground, with the effect only of rising up with fresh strength to combat the British Hercules, who, in Lower Canada, has been destined to perform all his labours before making it a British Colony *in fact*, as well as *in name*.

CHAP. XI.

A. D. 1810.

Sixth Provincial Parliament.—Consequences of a Dissolution of the House of Commons of the United Kingdom, contrasted with those of a Dissolution of the House of Assembly of Lower Canada.—Permanent causes of this contrast, which should have long since been brought before the Imperial Parliament.—Management of the old Members, to secure their re-election.—The Canadien Newspaper selects for oral comment precedents of opposition in Great Britain to the Government of the House of Stuart.—The ignorant Electors are persuaded that His Majesty's Ministers will disapprove of the conduct of Sir James Craig.—Errors of the Executive, arising chiefly from the want of attention to the personal feelings and grievances of a few individuals, who are driven to join the adherents of the Majority of the House of Assembly.—The Governor General during the recess visits the old and new Settlements.—Allusion to his supposed intention to recommend an alteration of the Constitution.—Reflections on a Legislative Union of Lower and Upper Canada.—First Session of the Sixth Provincial Parliament.—Mr. Panet re-elected Speaker of the House of Assembly.—Speech of the Governor General to both Houses.—He alludes to the disapproval by His Majesty's Government of Mr. Erskine's arrangement with the United States, and to the quarrel with Mr. Jackson, the new Plenipotentiary.—He exhorts the Legislature to prepare for the contingency of war with the United States.—He intimates having received instructions to give the Royal Assent to a proper Bill passed by both Houses, for the exclusion of Judges of His Majesty's Court of King's Bench from the House of Assembly.—Addresses of both Houses in answer to His Excellency's Speech.—While that of the House of Assembly is preparing, the Majority pass a Resolve censuring his Speech at the Prorogation of the fifth Provincial Parliament.—Address of congratulation to His Majesty.—Reflections.—Salutary Resolves, moved by Mr. Taschereau, respecting applications for Turnpike Roads and Bridges, subject to Tolls.—Proceedings of the Majority of the House of Assembly, to obtain the controul of the Civil List.—Their ambitious movements masked by professions of loyalty, but discovered by the Governor General and his Councillors.—His guarded answer to their Address on this Financial Affair, contrasted with the conduct of a future Governor, Sir John Sherbrooke.—He refuses to transmit the Address of the House of Assembly to the Lords and Commons of Great Britain on the subject of the Civil List, but promises to transmit the Address on that subject to His Majesty.—Resentment of the House of Assembly, which renews the attempt to appoint an Agent at the seat of the Imperial Government.—Reflections upon the controul of the

House of Assembly, by the Legislative Council; the Constitutional rights of which body destroys all analogy between the proceedings of the Legislatures of Upper and Lower Canada, and those of the Legislatures of the other British Colonies.—The Majority of the House of Assembly, influenced by hatred of Judge De Bonne, frame a Bill for the immediate disqualification of Judges, and pass a Resolve for his exclusion.—This leads to an application to the Governor General to issue a Writ of Election, calling upon the County of Quebec to elect a Member to replace this obnoxious individual.—The Governor General resents this conduct as interfering with the Constitution, and with his instructions, and resolves to dissolve the House of Assembly.—Extracts from his Speech, previous to the Prorogation of the Legislature.—Dissolution of the sixth House of Assembly.—Reflections, involving a conjecture that the Majority of the House af Assembly desired a dissolution, from ambitious and interested motives.

By dissolving the House of Assembly, and issuing Writs in His Majesty's name for a new Election, the Governor General might be said to put the question to the Electors; "*Did your late Representatives speak your sense or not? If they did, you will re-elect such of them as may be willing to serve; if not, you will of course choose others.*" When thus interrogated in Great Britain, the greater part of the Electors, during more than a century, have answered, *No;* and a Majority of Members friendly to the Administration, appointed by His Majesty, have been uniformly returned. It has not been so in Canada; where a great Majority of Electors of French origin, professing the Romish Religion, have uniformly answered *Yes,* to their British and Protestant King, and to his Vicegerent. At present, we shall only ask our intelligent readers *whether this contrast exhibited to His Majesty's Ministers, at four different periods during twenty years, should not have enforced their attention to the political state of Lower Canada, and produced an energetic and persevering appeal to the Imperial Parliament, which body alone was properly qualified to bring about the just and necessary change?* Until the Constitutional and other British Acts respecting Lower Canada shall have been subjected to a complete investigation by that August Tribunal, we shall have neither force to resist a formidable invasion, nor that harmony between the branches of the Legislature, which alone can enable it to make laws calculated to promote the peace, welfare and prosperity of a Province, *which contains a population, variegated by differences of origin, language, religion, laws, manners and habits.*

The dissolution of the House of Assembly had a momentary effect in discouraging the Members, who well knew the hereditary respect which their Constituents possessed for Monarchical Power and for His Majesty's Vicegerents. But they also knew that the vanity and insulating prejudices of their Constituents might be enlisted in their service, and that the medium of ridicule was an easy road to calm their fears of British resentment. The unlimited powers conferred

upon the Electors, were displayed in the pages of *the Canadien* newspaper, industriously and gratuitously circulated and read throughout the Parishes; whose ignorant inhabitants were treated with farcical misrepresentations of the Governor's Speech, and speedily led to despise his Person and Government. At the same time, the History and Parliamentary proceedings of Great Britain, from the period of the decline and fall of the Stuarts, were ransacked for instances of resistance to the Executive power; and a reader of *the Canadien*, unacquainted with the gullibility of the hearers, would feel occasional surprise, to find in its pages, destined for the ears of a Romish Community, the remonstrances of a Protestant Nation against the measures of Popish and Priest-ridden Rulers. But, in the hands and mouths of the juggling Demagogues, these Documents took a peculiar form, and excited resistance to the Government. It was ingeniously stated that there had only been a change of places. In Great Britain, the great majority of the population being Protestants, had used certain means and arguments to resist and banish Popish Rulers; and consequently the great majority of the population of Lower Canada, being Papists, should make a selection from them, in order to resist Protestant Rulers. While this course, however, was hardily proposed by the Demagogues, they craftily veiled from their dupes the important consideration, *that the French Canadians, though impolitically concentrated by the conquering power into a separate people, were nevertheless, in law and in fact, a weak dependency of a powerful Empire, whose Government was essentially Protestant.*

This oral sophistry of the demagogues was farther assiduously employed, in persuading the ignorant Electors, not only that His Majesty's Ministers would disapprove of the Dissolution, but that the Governor himself had been misled by his advisers; and, on this topic, they quoted and eulogised the opinions of numerous individuals who, having been personally injured by the Oligarchy and its adherents, took the present opportunity of revenge. And here we have the ungrateful task of stating our humble opinion, that the military habits of the Governor General exposed him occasionally to a want of discrimination between military and civil subordination. In the former, strict and implicit obedience, without remonstrance, is absolutely necessary; in the latter, under free Governments, Duties and Rights, have more defined relations, and are co-existent. Carrying the military idea of uncompromising command into every branch of the Civil Service, in a Government which had for ten years been administered by such men as *Sir Robert Shore Milnes* and *President Dunn*, could not fail to disgust some of the high minded civilians in the service of Government, leading to their dismissal and consequent temptation to join the ranks of the opposition. This, in fact, took place in an important instance; and we shall accordingly, for several years, have the mortification to present to our readers, a British and uncompromising Leader of the Majority of the House of Assembly, who appears to

have viewed that body and its Constituents in the light of clients, whose rights and pretentions he was bound to enforce to the utmost limits. We have only to suppose the Constitutional Acts, 14 and 31, Geo. III., Cap. 3, to be placed in the hands of Counsel, for his opinion on the powers which they impolitically confer upon the French Canadians, in order to infer that his opinion would be favourable to their exclusive domination in the House of Assembly of this Province.—This opinion might be accompanied with an explanation of the dependency of Lower Canada upon the British Government, and the expediency of a discreet use of the powers conferred; but this is a gratuitous, not a necessary exercise of the duty of Counsel, who, *in common courtesy to his Client*, gives him credit for common sense and discretion, and ascribes to him a knowledge of his power and means of enforcing his rights, and promoting his suit to the desired issue. If this Counsel, however, should assume the additional responsibility of conducting the suit, we should then find him engaged to make a display of all his powers, deliberative and active, for the success of the cause. The real case is so recent, and the fact so notorious, that the advocate was abandoned by the leading clients in the most dishonourable manner, that we need not at present pursue our hypothetical representation, which is also a needless anticipation of the course of our history.

The persons chosen to replace the officers dismissed by *Sir James Henry Craig*, were inferior in natural genius, in acquired talents, and in habits of business, and recommended by nothing but a blind and passive obedience to every mandate which might be issued in the name of the King, by the Governor and the Quebec Junta.

Having explained the errors of the Executive, and described the intrigues of the demagogues, we may suppose our readers prepared to learn that the old Members of the Majority, or others of similar principles, were re-elected.

But, before reviewing the occurrences of this short Session and Parliament, it may be permitted to allude to a brilliant progress through the old and new Settlements, which His Excellency's sense of duty, and his improved health, induced him to make in the summer of 1809. In the middle of June, he left Quebec, attended by a numerous suite; and, travelling in a style of magnificence, suited to his high station and large fortune, he excited the admiration of the people, who would have viewed him, as the Representative of their Monarch, with unmixed satisfaction, if the demagogues had not artfully prepossessed their minds with the idea that the expenses would be levied in direct taxes, and that this *joyeuse entrée* would one day extract from their pockets a large sum of money. Besides hospitable entertainment from men of rank and fortune, the Governor General received Addresses from the Magistrates and other inhabitants of the Towns and Villages through which he passed. The

Boroughs of *Three Rivers* and *William Henry*, the City of *Montreal*, the Town of *Dorchester*, *or St. Johns*, and the Village of *Terrebonne*, particularly distinguished themselves, as containing a considerable proportion of British population and well affected French Canadians, who viewed the pretensions of the House of Assembly, as calculated, sooner or later, to involve in some signal punishment, the innocent with the guilty, depriving them of those inestimable benefits, which their adoption into the great British Family would have otherwise insured to themselves and to their descendants.

During this tour, His Excellency visited the Eastern Townships, at the only season of the year when it was then practicable to do so with convenience. He verified the reports, which he had received at Quebec of the distressing privations which the inhabitants suffered; he benevolently listened to their complaints, and so strongly impressed them with an idea of his being the means of their future relief, that they prepared Petitions for Legislative assistance in opening roads, and otherwise improving a Country, hitherto utterly neglected by the Government which had invited Settlers, and by the House of Assembly, whose duty it was to co-operate for their welfare. His Excellency not having visited the United States since the revolutionary war, was unduly impressed with the progress of improvement made in Lower Canada, during the intervening period; and it is matter of regret that he had not been enabled to view the frontier of that Country, then rapidly settling and improving, as well as Upper Canada, which Province, *under British Laws and the English Tenure of Lands*, was already advancing in every thing worthy of a British Colony, extending its cultivation, and furnishing the principal part of the Exports of Flour and Lumber from Quebec.*

The Governor General returned to Quebec in the month of August; when he learned that the unauthorised arrangement made by His Majesty's Plenipotentiary, *Mr. D. M. Erskine*, with the Government of the United States was disapproved, and that the relations between the British Provinces of North America, and that Country, were returned to the same suspense and uncertainty which existed in the early part of the year, when he opened the Provincial Parliament.

This state of affairs appears to have disturbed some of His Excellency's plans for improving the Country and its Constitution, it being considered that a confirmed peace with the United States, would alone justify such undertakings, and recommend them to His Majesty's Government.

* We shall here remark, that many persons in Great Britain, at this period, gave undue importance to the productive powers of Lower Canada, by supposing that a great proportion of the Exports from Quebec was the fruits of the industry of that Province; *the truth is, that the surplus produce of French Canadian industry, has never loaded one tenth of the tonnage employed: the Cities and Garrisons in peace and in war, are chiefly supplied with Flour and Provisions from Upper Canada and the United States.*

It is a matter of doubt, however, whether the improvements contemplated, would have answered the expectations of the projectors; they were confined to the Constitution of Lower Canada, and did not contemplate the re-union of the Upper Province, which, in our humble opinion, *both as a correction of a previous political error, and as the only means of giving strength and consistency to British ascendancy in the Canadas, is a measure of transcendant importance.* Any alteration in favour of British ascendancy in Lower Canada, considered as separate from the Upper Province, would necessarily consist in an abridgment of the political powers of the Electors, and of the popular branch of the Legislature. Resistance to the views of the Executive, and of His Majesty's Government for the good of the Empire, might thus be weakened; and the hurtful prejudices of the French Canadians might be confined with their French Laws to the Seigniorial Grants of the King of France. But, as we are convinced that these prejudices and laws must be destroyed before the end of this century by foreign conquest or British legislation, we cannot help thinking that *the only chance of retaining the Country and making it useful as a British Dependency, will be found in a Legislative Union with Upper Canada.* Supposing a union so strongly recommended by Geographical position, without a single alteration of the Constitution, *though past experience has suggested many,* we should thus insure, under the freest forms of Government, a representation equally composed of Members of French and English origin; and can any man suppose that such a Legislature would not agree to a compromise from feelings of mutual interest? But, supposing a difference to exist between parties of equal strength, would not the Governor General and his Executive Council have a fair opportunity, directed, if need be, by His Majesty's Ministers, to act the part of Mediators? And, what reason have we to suppose, or to infer from analogous emergencies, that such a powerful mediation would not preserve the public peace? But, in a Union Bill, modified according to the spirit of the Petitions transmitted in its favour in the year 1823, and, making due allowance for the exceptions taken by its opponents, we cannot doubt but an alterative and mild remedy could be found to the yearly accumulating evils, which the present dissensions between the inhabitants of French and those of English origin in this Province, and between both Provinces produce. British legislation in the interval, since 1823, has cut the gordian knot of one difficulty in the Lower Province, by the Bill to facilitate a change of the Feudal Tenure, regulating by English Law the descent of all Lands in the Townships, granted under the Tenure of Free and Common Soccage, and authorising the conversion of the Feudal Seigniories into a similar Tenure. To persons like ourselves, *not in the secret,* it may be permitted to conjecture, that these important changes are only preliminaries to the union of the Provinces.

Having thus endeavoured to console our readers for the failure of one of the alledged designs of a truly independent and enterprising Governor, we proceed to the first and only Session of the sixth Provincial Parliament of Lower Canada.

It was opened on the 29th of January, 1810, with the usual preliminaries of administering the oaths, and ordering the choice of a Speaker of the House of Assembly. Wearied with useless opposition, the Minority did not propose a rival Candidate to *Mr. J. A. Panet*, who was unanimously re-elected as Speaker of the House of Assembly, and approved by the Governor General.

On the return from the Legislative Council, the salvo of privilege was exercised, in a manner characteristic of the feelings of the House, by ordering that Mr. Taschereau have leave to bring in *a Bill for disabling Judges from being elected, or from sitting and voting in the House of Assembly.*

After which, the Speaker reported the Governor General's Speech to both Houses, in which His Excellency still persevered in attracting their attention to the warlike exploits and foreign relations of Great Britain, describing her as standing almost alone against the rest of the world, which then seemed to be the destined prey of *Napoleon Bonaparte.* His Excellency next alluded to the disapproval by His Majesty's Ministers, of the arrangement made by *Mr. Erskine*, with the Government of the United States, and the still less expected event of a quarrel on the part of that Government with his successor, *Mr. Jackson*, indicating a more bold and hostile spirit in *President Madison's* Administration, than existed in that of his predecessor. With such prospects of probable warfare, His Excellency stated his reliance upon the loyal co-operation of the Militia with His Majesty's regular forces, to resist any attack which might be made upon the Province, and that the Legislature would not hesitate to renew those temporary Acts by which the Executive was enabled to guard the Province against Aliens and disaffected persons. Addressing the House of Assembly, His Excellency said that he would lay before it the Annual Statement of the Provincial Revenue of the Crown and of the Expenditure. Addressing both Houses, he alluded to an Act of the Imperial Parliament, which had affected the ancient boundaries of the Province, by annexing to the Government of Newfoundland, a part of the Coast of Labrador.* His Excellen-

* This annexation was afterwards repealed at the instance of the Legislature of Lower Canada ; and we think that this was judicious ; but if, at the same time, the Imperial Parliament, in its Sovereign Wisdom, had annexed the Canadian District of Gaspé to the contiguous Province of New Brunswick, it would have done good service to the Empire. Labrador, divided from Newfoundland by the dangerous strait of Belleisle, could receive but little attention from that Government ; while Gaspé, a slightly connected excrescence from Canada, might be removed without inconvenience, and, engrafted on New Brunswick, would produce the usual advantages which attend every arrangement which follows nature in the settlement of boundaries.

cy next described the increasing practice of forging American Bank Notes within the Province, and recommended a law for its punishment, as being equally necessary to preserve the morals of His Majesty's Subjects, and to evince a desire in this Government to prevent injury to the neighbouring States. His Excellency ended His Speech by announcing his having consulted His Majesty's Ministers on the subject of disqualifying the Judges, and he stated that he was authorised to give the Royal Assent *to any proper Bill for rendering His Majesty's Judges of the Court of King's Bench, in future, ineligible to seats in the House of Assembly, in which the two Houses should concur.*

At the same time that a Committee was appointed to prepare an Address in answer to His Excellency's Speech, another was appointed to prepare an Address to His Majesty, with the view of joining in the congratulations of all parts of the Empire upon the rare historical instance of His Majesty's eventful reign having extended to half a century. Both Addresses were voted in terms which would have induced a person, unacquainted with the prejudices of the Majority, to suppose that they were ready to sacrifice their lives and fortunes in the service of the Empire at large; but it soon appeared that ambition and the gratification of resentment against an individual, would characterise their measures.

The Speaker and his adherents had not so far lost sight of all ideas of decorum as to join in any *public declaration against the Governor's reprimand of the conduct of the fifth House of Assembly, during the Prorogation;* but, on the 21st of February, after an attempt on the part of the now enfeebled Minority, to concentrate the energies of the House into an undivided attention to the paramount object of evincing harmony between the Executive and Legislative powers, for the defence of the Province, the following resolve was passed by a Majority of 24 to 11.*

" *Resolved that every attempt of the Executive Government, and of* " *the other branches of the Legislature against this House, whether in* " *dictating or censuring its proceedings, or in approving the conduct of* " *some of its Members, and disapproving the conduct of the others, is* " *a violation of the Statute by which this House is constituted; a breach* " *of the privileges of this House, against which it cannot forbear ob-* " *jecting, and a dangerous attack upon the rights and liberties of His* " *Majesty's Subjects in this Province.*"

The same day the attention of the House was drawn from matters of privilege, by *Mr. Taschereau*, the Grand Voyer or Superintendant

* We give the names of the Majority and the Minority, on the question, as follows:—*Yeas, Messrs. Debartzch, L.J. Papineau, Lee;* Beauchamp, Hebert, Huot, Caron, Langlois, F. Roi, Fortin, St. Julien, *Viger*, L. Roi, B. Panet, Durocher, Blackwood, *Bedard*, Drapeau, Borgia, Meunier, Robitaille, and Bernier. *Nays*, Messrs. R. Cuthbert, Duchesnay, M'Cord, Bell, Mure, Dénéchau, Jones, Gray, Jones of Bedford, Bowen, and Gugy.

of Roads and Bridges; and two Resolves were passed for the purpose of enforcing due publicity, as to all future projects for obtaining encouragement from the Legislature to individuals, for the making of Turnpike Roads and the erection of Toll Bridges. Notices of every private Bill, proposed to be introduced in all future Sessions on such subjects, were ordered to be inserted in the Quebec Gazette and in one of the Newspapers of the District in which every such road or bridge might be intended to be made. These useful Resolves were some years afterwards modified to meet the encreasing stratagems of projectors, who are now obliged to describe, in public advertisements the nature and extent of the improvements and legislative encouragement for which they petition.

On the 5th February, *Mr. Blackwood* seconded by *Mr. Caron*, obtained leave to bring in a Bill to continue the temporary Act for the better preservation of His Majesty's Government, which was finally passed with an amendment, showing the extreme jealousy of the Majority, and that they supposed that their ambitious projects might be disturbed by the powers which this Act conferred upon the Executive.

When the subject of voting the necessary sums for defraying all the expenses of the Civil Government of the Province was agitated 7th February, the anxiety of the Majority to avoid a developement of their ulterior views was evinced by refusing to appoint a Select Committee to enquire into the present state of the Revenue and Expenditure, and the nature of the Acts now in force, on those subjects. The House immediately went into Committee, and on the 10th February, after declaring the ability of the Province, the House by a great Majority, including Messrs. *Bedard, Papineau, Blanchet, Viger and Debartzch*, resolved as follows: *That this House will vote in this Session the necessary sums for defraying the Civil Expences of the Government of this Province.*

The commercial Minority, who had no idea that this pledge would be construed otherwise than as a simple undertaking to cover the deficiency of the permanent Revenue, without interfering with the appropriation of the latter, were astonished at the eagerness and precipitation of the Majority, and merely deprecated fresh taxes on Commerce; but the Governor and his Executive Council appear to have penetrated the views of the Assembly, and to have foreseen that the conditions attached to the proposed vote, might, if submitted to, bring the appropriation of the whole Revenue of the Province under the controul of the French Canadians, who might thus *make every officer, including the Governor and the Judges, their humble servants, instead of being the servants of a generous Monarch.*

Startled at this prospect, which came home to their business and bosoms, it was agreed to give such an answer to the Address of the House, accompanying Addresses to the three branches of the Imperial Parliament as should, as far as possible, prevent future cavils. If

Sir John Sherbrooke had been as attentive to prudent Councillors in this respect, when the House was called upon to redeem the pledge of its predecessor, as *Sir James Henry Craig* was, when it was first offered, much trouble would have been prevented; and the new *Trojan Horse* would forever have been denied admittance.—The answer of His Excellency therefore was extremely guarded; and he particularly insisted upon the Constitutional right of the Legislative Council to a previous investigation and concurrence in the expediency of the Resolves and Addresses of the House of Assembly upon a subject, in which, *not merely as a co-ordinate branch of the Legislature, but as composed of individuals having a large stake in the country, it was interested.* Refusing to transmit the Addresses of the House to the Lords and Commons, both of which he deemed unprecedented, he promised to transmit the Address to His Majesty, in order that, by their own act, His Majesty might be formally apprised of the ability and of the voluntary pledge, which the people of this Province had thus given, to pay the entire Civil Expenditure of the Province, when required so to do.

It is evident that this answer not only guarded the rights of His Majesty and of the Imperial Parliament, but also those of the Legislative Council, and more particularly excluded all hope of admitting the controul of the Assembly over the present and future territorial Revenue of the Crown; and we can therefore easily account for the symptoms of mortified ambition exhibited by the Majority, on receiving this reply, which they immediately subjected to the investigation of a Committee, composed of Messrs. *Bourdages, Bedard, Taschereau, Borgia, Blanchet and L. J. Papineau.*

In every proceeding of the House of Assembly, the French Canadian Majority showed a desire to destroy the rights of the Legislative Council as a co-ordinate and important branch of the Provincial Legislature. The Constitutional rights of this body interfered with every step in the ambitious career of the former, and destroyed all analogy with the proceedings of the old Colonies as to the appointment of Agents, and, *strictly speaking*, even of Commissioners, on Financial intercourse with Great Britain or the sister Provinces of British America. Whenever, therefore, the question of appointing a Colonial Agent, as discussed this Session, has come before the House of Assembly, the Majority has always resisted any interference on the part of the Legislative Council, without, however, receiving any support from persons acquainted with the Constitution of Upper and Lower Canada, and willing, as becomes loyal subjects, to submit to it as an Act of the Imperial Parliament.

The Majority of the House of Assembly this Session attempted to appoint and support a Colonial Agent at the seat of His Majesty's Government, in the same manner as was practised by the old Colonies; and a Bill for this purpose was introduced, but, like other ambitious projects, was prevented from progress by the approaching Prorogation and Dissolution.

The Bill for immediately disabling the Judges having been speedily passed, was returned by the Legislative Council, with an amendment, which, in accordance with the terms and conditions of the Royal Assent proposed to be given by His Majesty's Representative, *postponed, to the end of the present Parliament, the incapacity of Judges of His Majesty's Court of King's Bench to sit and vote in the House of Assembly.* The Majority, anxious to obtain the passage of the Act, but still more eager to be relieved from the presence of Judge Debonne, now returned to a vote of expulsion, and by a Majority of 19 to 10, they declared his seat vacant: they also rejected that part of the amendment of the Council, which would have admitted of this individual being re-elected or replaced by another Judge, and thus brought themselves into direct collision, not only with the Legislative Council and with the Governor's instructions, but also with the Constitutional rights of the elective body, to whom an immediate appeal by Writ of Election to fill the seat thus declared vacant, would have taken place.

These proceedings, leading to a resort, through the Speaker of the House, to His Excellency to issue a Writ in His Majesty's name for the Election of a Member for the County of Quebec, in the place and stead of the expelled Judge, placed the Governor General in an unprecedented dilemma, from which he deemed it necessary to extricate himself, by a new Dissolution of the Provincial Parliament.

Accordingly, on the 26th February, His Excellency, having commanded the attendance of the House in the Legislative Council Chamber, and having there given the Royal Assent to the Bills for renewing two temporary Acts, intimated his intentions in a Speech to both Houses, from which we give the following extracts:

Whatever might be my personal wishes, or however strong might be my desire, that the public business should suffer no interruption, I fear that, on this occasion, nothing is left to my discretion: it has been rendered impossible for me to act otherwise than in the way in which I am proposing."

"*The House of Assembly has taken upon itself, without the participation of the other branches of the Legislature, to pass a vote that a Judge of His Majesty's Court of King's Bench cannot sit nor vote in that House. However I might set aside the personal feelings which would not be unnatural in me, as to the mode in which this transaction has been conducted towards myself, there is another and infinitely higher consideration arises out of it, which I must not overlook.*

"*It is impossible for me to consider what has been done in any other light than as a direct violation of an Act of the Imperial Parliament—of that Parliament which conferred on you the Constitution, to which you profess to owe your present prosperity; nor can I do otherwise than consider the House of Assembly as having unconstitutionally disfranchised a large portion of His Majesty's Subjects, and rendered ineligible, by an authority which they do not possess, another not inconsiderable class of the community."*

"*Such an assumption I should, at any rate, feel myself bound, by*

every tie of duty, to oppose: but, in consequence of the expulsion of the Member for the County of Quebec, a vacancy in the representation for that County has been declared; and it would be necessary that a new Writ should issue for the election of another member. That writ would be to be signed by me: Gentlemen—I cannot—dare not render myself a partaker in a violation of an Act of the Imperial Parliament; and I know no other way by which I can avoid becoming so, but that which I am pursuing."

His Excellency ended his Speech as he had begun it, by stating his sincere regret at this new resort to His Majesty's Prerogative, relying upon the good sense of the Electors for his acquittance from all blame, in the course which had been rendered necessary, by circumstances beyond his controul.

Thus ended the sixth Parliament, after a Session of four weeks. Instead of feeling great alarm from this new Dissolution, the Members of the Assembly concerned in the obnoxious measures, knowing the gullibility of the great Majority of the Electors, confidently expected to be returned triumphantly, and to be enabled to continue their plans of exclusive domination for themselves and for the "*Nation Canadienne.*" One might even be permitted to conjecture that they courted this new exercise of the Prerogative, in order to have an opportunity of appealing, as patriotic and persecuted men, to the Electors, and to conciliate them in favor of the frequently proposed measure of granting pecuniary compensation for legislative services, which the penurious spirit of the Habitants, not less than the opposition of the Executive, had hitherto impeded.

CHAP. XII.

A. D. 1811.

Seventh Provincial Parliament.—Vanity of the expectations entertained by some persons that the Dissolution of the sixth Parliament would cause Members favorable to the Government to be returned.—This disappointment ascribed to the characteristic prepossessions and peculiarities of the Electors.—Retrospective allusion to the formation of the character and political opinions of the Electors.—The new Constitution has the effect of distracting their minds, by introducing collisions between the ruling authorities.—The vanity and the religious prejudices of Romish Electors, incline them always to support the elected, against the authorities created by the Prerogative of a Protestant King.—Confidence at first displayed by the old Members, as to the event of being re-elected.—They are however alarmed at the preparations of the Government and of the subjects of British descent to influence the Electors.—The CANADIEN *newspaper becomes more and more violent against the Executive.—Rumour of its being partly supported by the Plenipotentiary of Napoleon Buonaparte.—The Governor General suppresses the Canadien, seizing the Printing Press and all the papers found in the Printing Office.—He imprisons three Members of the sixth Parliament, as suspected of seditious practices.—Conjectures on the subject of those measures, which were not followed up by any public trials.—They are supposed to have been merely intended to excite the attention of the Electors at this crisis of taking the sense of the people.—Reluctance of the Subjects of British origin to acquiesce in the intention, ascribed to the Governor, of suspending the Constitution.—Jealousy existing in the District of Montreal against the Quebec Junta.—The Addresses of British Candidates referred to, as proofs of their inexperience and delusion.—A variety of Candidates at the general election.—The old Members prevail.—Immediate consequences of the disappointment of the British Candidates.—A feeble effort made in favor of a suspension of the Constitution.—Causes of the failure of this half measure, and allusion to the preferable course of uniting Upper to Lower Canada, and at the same time improving the Constitutional Act,* 31, *Geo. III. Cap.* 31.—*Review of arguments in favor of this course, and reference to the postponed Union Bill of the year* 1822, *as containing the true remedy for the grievances of the Subjects of British descent in Lower Canada.—First Session of the seventh Provincial Parliament.—Feeble Minority in the House of Assembly, in favor of the Executive.—Mr. Panet re-elected Speaker.—The Governor General's Speech.—He suppresses all his favorite topics, and confines himself to local affairs, and to the state of the negotiations between Great Britain and the United States.—Address of the House of Assembly, containing a remarkable admission that*

jealousies exist, between the French Canadians and the Subjects of British descent.—The case of Pierre Bedard, a Member of the sixth Parliament, re-elected for the seventh, while he was imprisoned under the accusation of seditious practices.—Temporising conduct of the Majority, with conjectures on its unascertained causes.—Industry of the House of Assembly.—Review of various proceedings.—Petition of the Debtors confined in the Gaol of Montreal.—Expediency of a Bankrupt Law.—Bill from the Legislative Council, making it felony to counterfeit foreign coins and foreign promissory notes.—The crime reduced to a misdemeanor by the Assembly; and an Act passed accordingly.—Reflections on the execution of this Act.—Bill for the continuation of the Gaol Duties Act, promoted by the urgency of the inhabitants of Three Rivers to have a new Gaol, at the general expense.—Bill for applying the bequest of John Conrad Marsteller to the Establishment of a House of Industry for the poor, at Montreal.—Fate of this establishment.—Abortive attempt by the Majority, to restore the proscribed mode of covering the roofs of houses with shingles in Montreal.—Account of the Provincial Revenue, and the effects of its prosperous state, on the disposition of the House of Assembly to lavish the produce of taxes on Merchandise for Local purposes.—Bill to give an exclusive right to John Molson to Steamboat Navigation on the St. Lawrence, passed in the House of Assembly, but rejected in the Legislative Council.—Reflections upon this and future failures, to obtain encouragement from the Government of Lower Canada to great undertakings.—Number of Acts passed during this busy Session.—Account of Sir James Henry Craig's farewell Speech, and extracts from the same.

After the Dissolution of the sixth House of Assembly, under circumstances, which, to disinterested spectators, seemed to justify this exercise of the Prerogative, it was expected that a reaction would take place; and that the great body of the Constituents would, from prudential motives, *if not from higher principles*, have disapproved of the revolutionary conduct of their Representatives. This expectation, however, was contradicted by the event, which is to be explained by the peculiar habits of thought and character, which distinguish the French Canadians. These habits and character, originally formed by the despotic government, civil, military, and ecclesiastical, of Louis the XIVth of France, induced the French Canadian population chiefly to regard the immediate agents of authority, who came in daily or frequent contact with them, by oral command or communication. Thus, long after the Conquest, the lowest agent of authority had only to present himself, *in the name of the King*, to be instantly obeyed. It was not a King, a Governor, a General, a Judge, or a Bishop, with whom they had personal communication: these awful authorities they surveyed at a distance, with due reverence; but their immediate obedience was considered as due to a Seigneur, a Justice of Peace, an Officer of Militia, a Bailiff, and a Curé, or Priest. When the British Parliament, therefore, established a House of Assembly, the Mem-

bers of that newly constituted authority, though chosen by themselves, were admitted to a great share of the habitual submission, which their Constituents were accustomed to pay to every agent of authority, who came into immediate contact with them. By the new Constitution, the Habitants, in fact, supposed that they were *commanded* by the Governor, at every election, to choose rulers over themselves; and, having once chosen them, they readily admitted them to great authority and influence over their opinions and conduct. Believing this to be the disposition of the ignorant peasantry of Lower Canada, we can have no difficulty in supposing that what, in a free and intelligent community, is properly called PUBLIC OPINION, *is in this Province merely the effect of the opinions of the immediate agents of authority, including the Members of the Assembly, operating upon the natural desires, of a people attached to the laws, language, habits, manners and prejudices of their French ancestors.* The immediate agents of authority, therefore, who interfere the least with those characteristics, will be the most favored by them. We flatter ourselves that these explanations have enabled our readers to recognise the influence which predominated at the new election, in April, 1810. The Sovereign was a Protestant King of a Protestant nation; the Governor was a Protestant, as was the Majority of his Executive Council; the Majority of the Legislative Council was also Protestant, and partly composed of persons in office, who received salaries. On the other hand, the Members of the dissolved Assembly were persons who *professed* the Romish Religion, who held no lucrative office under the Government, and who had been chosen as friendly to their civil and religious rights, and opposed to every measure which could disturb the routine of their hereditary labours and enjoyments. Indolent, particularly in mind, they could not analyse the conduct of their Representatives, and discriminate the parts which belonged to inordinate and selfish ambition, from those which might be ascribed to zeal for their service.*

The old Members were so confident of the effects of those characteristics of their Constituents, that they derided every doubt of re-election.† Perceiving, however, the exertions of the Executive and of the Subjects of British origin against them, they resumed the arms

* With respect to acknowledgment and feelings of service, there is little difference between the conduct of a Sovereign and that of a Constitutional body of the people: When the tyrannical conduct of the *Earl of Lauderdale* in Scotland was proved before *Charles the Second* and his Council, that Monarch, while he reprobated it, could not help expressing his feeling that the Noble Earl had been actuated with views to promote the interest of his Prince.

† One of the old members, being accosted by an acquaintance in Montreal, who, in a tone of regret, remarked that the Assembly had been dissolved or *broken*, replied—*that it is true, but the fragments are good.* We see that this anecdote will look better in French, as follows—"*Un ami, rencontrant sur le marché Monsr. D———r, "lui dit, en haussant les épaules—ah, Monsieur, notre Parlement est encore cassé; "oui, repondit fièrement Mr. D———r, le Parlement est cassé, mais les morceaux "en sont bons.*"

of ridicule and misrepresentation, which had done them such good service at the previous election. For this purpose, the newspaper *Le Canadien*, was adopted to furnish the text for general comment, and was circulated at such expense, as gave occasion to suppose that foreign contributions for its support might have been furnished. Believing, as we do, that *The Canadien* was merely supported by the French Canadian Majority of the House of Assembly and their adherents, with the view of promoting the exclusive domination of the popular branch of the Legislature, we cannot however, as historians, help mentioning, that the anti-British sentiments which that paper contained, gave currency to an idle report, that it was partly supported by the French Plenipotentiary at Washington, the Metropolis of the United States. The *Canadien* thus connected, in the minds of the credulous, with the intrigues and ambition of *Napoleon Buonaparte*, became an object of additional alarm and detestation to many persons well affected to Government. Urged by them, and farther stimulated by the seditious writings which it contained, the Governor General, whose native courage and military habits might have made him despise *paper bullets*, was induced to take summary measures against the French Canadian Press. On the 17th March, under the authority of the Executive, the printing office of the *Canadien* was forcibly entered, and all the papers, with the press and printing apparatus found therein, were seized and conveyed to the Court House of Quebec. As might be expected, the Printer also, after examination before the Council, was committed to prison; but, on what grounds the ulterior measures of the Executive were taken, is a question of mystery which future writers will have to investigate. Though the mass of the population, unable to read or write, unprovided with arms and the habit of using them, could not be supposed to sympathise with the fate of the *national* press, or be able to revenge its destruction, the Executive followed up this measure of force with others, indicating a fear of insurrection. The different guards were reinforced; and military patroles paraded through the city and suburbs of Quebec. The mail, containing letters for Montreal, was detained; and various other precautions in the power of Government were taken, as if to prevent the objects of prosecution from escape. Meantime, the well disposed part of the community trembled at this crisis, believing that an extensive conspiracy for their destruction, had been made known to the Government; but it turned out a false alarm; and, after due enquiry throughout the country, and a strict examination of the papers found in the office of the Canadian press, six individuals only were taken into custody; and none were driven into concealment or exile by consciousness of guilt. The truth is, that the tendency of the Constitutional Act was a permanent cause of disturbing the peace on the eve of an election, by open and universal suffrage; and, reduced as we are to mere conjecture, we might suppose that the Governor General, at this moment, intended to suspend the Constitution, on the joint responsibility of himself and the Executive Council, if we had not the recent proof of

his different sentiments in his Speech to both Houses, 26th February; in which he said, speaking of the Constitution—"*I cannot, dare not, render myself a partaker in the violation of an Act of the Imperial Parliament.*" Whatever might have been the intentions of the Executive, it is certain that even the Subjects of British origin had not yet sufficiently tasted the bitter fruits of the Constitution to approve of its suspension. To many of them it was still *pleasant to the eye and sweet in the mouth; while its bitterness in the belly* had been felt only by a few old residents, and persons capable of investigating the first principles of Government, and their application to the character and circumstances of the governed. The existence of these feelings in favour of the Constitution, with all its admitted faults, was more particularly ascertained in the City and District of Montreal, containing many new Settlers, who also had not sufficient confidence in the Quebec Junta, alluded to in our previous Chapters, to strengthen its authority. Strange as it may now appear to our reflecting readers, it is a fact that many well intentioned individuals of British origin persisted in expecting benefits from a Constitution connected with French and Feudal Laws, and partly administered by a House of Assembly, elected by the universal suffrage of the French Canadians; *whose political opinions* had been entirely formed by the intrigues and speeches of the candidates for their votes. They even entertained sanguine expectations of the result of the new elections: they seemed to think that the *forms* of the British Constitution, transplanted into Canada, would operate as the *substance* does in the United Kingdom; and that the electors, who neither by education or property, are qualified to judge or control the measures of the elected, would nevertheless come forward and disapprove of their proceedings. It is painful, though necessary, to allude to those delusions; but we must refer our intelligent readers to the Addresses of the various Candidates of British origin, to convince them of the vanity of their expectations from the sense and prudence of the elective body. The general election of 1810, brought forward Candidates of every class and profession, except Judges: The doctors and surgeons, who perceived the body politic diseased, offered their services; the lawyers, always expecting to profit by difference of opinion; the merchants, fearing new taxes on imported goods; the auctioneers, anxious to abolish the auction duty; the seigneurs, wishing to conciliate their feudal rights with the pretensions of their vassals;—all came forward on this occasion. But, seizing the vantage ground of previous confidence, the great majority of the old members carried the day; and the Governor General was destined to meet, in the Legislative Council Chamber, and even to admit to his social board the same men, *whom he had justly stigmatised as unworthy of the countenance or choice of loyal subjects of His Majesty.* Meantime the influence of external commerce on the progress of the country demanded acts of legislation, which two successive dissolutions had impeded. The Majority of

the House of Assembly, aware that temporary Acts would best secure their power, had rendered the regulation of Trade and Police, and even a part of the pecuniary support of the local administration of Justice temporary; and they could, at any time, alarm the Merchants and Citizens of the Towns with the view of expiring Civil Laws, and the fear of their being replaced by Martial Law, or revived Ordinances of the old Government. A number, however, of the eminent Merchants of Quebec and Montreal, aware of the immense power of the Imperial Government, could not conceive the possibility of its long permitting a faction, under colour of an Act of the British Parliament, to disturb the Colony, and paralyse every effort towards improvement. These practical men, who had not only long resided in Lower Canada, but were also acquainted with the circumstances and situation of Great Britain and the United States, could not be deluded by the pretensions of what is familiarly called *a paper Constitution.* They were convinced that the new Constitutional Act, 31, Geo. III. Cap. 31, by the introduction of the forms of a free Government prematurely into Lower Canada, had, in fact, *placed a Colony of immense extent, capable of augmenting the commerce, and settling the surplus population of Great Britain, into the power of an Anti-British and Anti-commercial faction, elected by the almost universal suffrage of a gullible population of French origin, whose restricted notions extended to none of the improvements necessary to render the Country useful to Great Britain, or to the Sister Provinces of British North America.* When the result of the General Election of the year 1810, had discouraged the British admirers of the Constitution, it was generally believed that they would have supported a Petition to the Imperial Government, to the following effect:—that His Majesty's Ministers would be pleased to take the state of Lower Canada, under the present Constitution, into their consideration, and investigate the numerous grievances of the Subjects of British origin, and, supposing them duly impressed with the sinister proceedings of the Majority of the House of Assembly, praying them to recommend to the Imperial Parliament, the suspension of the new Constitution, and the revival of the entire Act of the 14th, Geo. III., Cap. 83, with some modifications of the old Legislative Council, suited to the commercial and financial exigencies of the Province. This Measure, however, was only recommended on the principle of state necessity, and in order to restore the temporary tranquillity of the Province, and to give the necessary leisure for maturing a new Constitutional Act, conferring a free Government, carefully adapted to a Commercial Colony, and conciliating the rights of the Subjects of British origin, with those of French origin, *instead of establishing the French Canadians, with all their prejudices, as the masters of the Country.* This proposal appears to have been that choice of evils, which men of property generally make, in preference to hazarding the experiment of a general and extensive measure,

calculated to expose the origin, and effectually redress the grievances of a Country; and, being what is called *a half measure*, it could not excite the energy and spirit which the prospect of an effectual remedy is calculated to produce. The complaints against the old Constitution of 1774, were still present to the minds of many influential individuals both in Great Britain and in Canada; and the idea of retrograding in the forms of free Government, was extremely revolting to the minds of many Subjects of British origin. The proposal, therefore, though probably made to His Majesty's Ministers, was not acted upon; and no effort was made for the relief of the Subjects of British origin, till the introduction of the Bill for the Legislative Union of Lower and Upper Canada, in the year 1822, which, with all its acknowledged faults, would nevertheless have had the desired effect of teaching the plainest understanding the true line of political duty. At present, it is impossible for any man, wishing to exercise political rights, and at the same time to pursue in tranquillity his private interests, to act with independence and consistency. If we instance a Briton, desirous of legislative encouragement for any improvement, he must first conciliate the French Canadian Majority of the House of Assembly, and thus indispose the other branches of the Government. If he, on the other hand, begin with engaging the patronage of the Governor and Legislative Council, his project, approved by them, will be sure to fail in the House of Assembly. In this manner, we shall see the most indefatigable projectors, esteeming highly the encouragement of the Legislature of Lower Canada, driven from *pillar to post*, and obliged, at last, to rely on their own resources. At this day, therefore, no individual has to thank the Legislature of Lower Canada, for direct encouragement to great undertakings; and every improvement in the inland Navigation of the Province and of its Harbours, has been rather impeded, than advanced by the tenacious pretensions of the different branches of the Legislature, except in the instance of the Lachine Canal.

But we return from this digression, to review the proceedings of the first Session of the seventh Provincial Parliament of Lower Canada. The Executive had very few adherents in the House of Assembly; but we mention their names below, in a note, for the purpose of showing that, under the present Constitution, every Governor pursuing British interests, will find his legislative adherents in the popular branch, decrease in numbers, respectability and talent.*

* The Members who generally supported Government, were first:—(Officers or Placemen,)—*Mr. Bowen, Attorney General, Mr. Sewell, Solicitor General, Mr. Coffin, Mr. Caldwell, son of the Receiver General.* Second:—(Merchants,)—*John Mure, James Irvine, G. M. St. Dizier, A. N. McLeod, Matthew Bell.*—The Government of Great Britain has generally a Majority in the House of Commons in the proportion of two to one, and in the Colonies of Nova Scotia, New Brunswick and Upper Canada, three to two;—in Lower Canada, it has, on the average, since the new Constitution, been in the Minority, whenever British law or ascendancy was in question. This was never the case, even in Ireland, when she had a House of Commons.

After the usual preliminaries of administering the oaths and approving a Speaker, which, in the year 1827, have been called by the Assembly *mere matters of courtesy and form*, the customary salvo of privilege took place, by introducing and reading, for the first time, the continuation of the Act for the regulation of Trade between this Province and the United States, by land and inland Navigation. After which, Mr. J. A. Panet, *who might be called the Speaker for life*, reported the Speech of the Governor General, on the 12th of December, 1810, confined chiefly to local topics, and to the relations existing between His Majesty's Government and the United States, which vitally interested the Province. His Excellency, feeling that there existed no sympathy between the Majority of the House of Assembly and himself, on his favorite topic of the warlike exploits and glory of Great Britain, then contending almost alone against *Napoleon Buonaparte* and his Allies, for her independent existence, passed over European affairs, with a slight remark on a want of official accounts to ground any information to be given to them. With respect to the negotiations between Great Britain and the United States, His Excellency represented them to be in a very unsatisfactory state; and that new claims, connected with pretensions of neutral rights, had been brought forward, calculated to embarrass and delay an amicable adjustment. As to local affairs, His Excellency earnestly recommended the continuation of the temporary Acts for the preservation of His Majesty's Government, and for the regulation of Aliens, together with the Act for the regulation of Trade between this Province and the United States. Confining his particular recommendations to those Measures to which their Predecessors had pledged themselves, His Excellency, taught by experience that the projects of the Executive would be viewed with jealousy, had now reverted to the reserved demeanor, which suited the defensive position, into which the result of the recent Election had forced his Administration. Addressing the House of Assembly, His Excellency said that he would direct to be laid before it, Statements of the Provincial Revenue of the Crown, and of the Expenditure for the last twelve months. He ended his Speech by promising to both Houses to concur with them, most readily and cheerfully, in every Measure which they might propose, in mutual harmony, as conducive to the prosperity and happiness of the Colony. "*The rule of my conduct,*" *said His Excellency,* "*is to discharge my duty to His Majesty, by a constant attention to the interests of his Government, and to the welfare of his Subjects which he has committed to my charge; and these objects I feel to be best promoted by a strict adherence to the laws and to the principles of the Constitution, and by maintaining in their just balance, the rights and privileges of every branch of the Legislature.*"

This guarded, firm and temperate Speech, in which every personal feeling was subdued, disappointed the expectations of the Majority

of the House of Assembly, who found it difficult to quarrel at the commencement. The Committee appointed to prepare an Address, were at issue on some points, as appeared when the Report was submitted for the concurrence of the House, *after an unusual delay of seven days. Mr. Mure* and *the Solicitor General*, having strenuously opposed, in the select Committee, a paragraph of the Address which stated the manner of the execution of the law for the preservation of His Majesty's Government, as not having been calculated to render its unaltered renewal, a Measure that would insure confidence between His Majesty's Government and his Canadian Subjects, an attempt to expunge it in the Committee of the whole House, was made by the feeble Minority which now supported the Executive; but, with other offensive insinuations, it was passed by the Majority. It is, however, worthy of remark, that the same men who had, in previous Parliaments, reprobated an allusion by His Excellency to the difficulty of preserving the necessary harmony, in a Province whose population was composed of parts differing in opinions, customs and prejudices, *now adopted his very words on the subject, and admitted the existence of this disparity between Lower Canada and the other Colonies of His Majesty.* Of the six individuals taken into custody for alledged treasonable practices, three were Members of the preceding House of Assembly; and one of them, *Mr. Pierre Bedard*, who had, under every condition, except an aquittal by a Jury, refused to leave prison, was re-elected. The Governor, who declined bringing him to trial, took the sense of the House as to his eligibility, and the Majority passed resolves disapproving of his imprisonment, and declaring him duly qualified to take his seat and vote therein. These resolves were ordered to be communicated to His Excellency, with an Address expressing the desire of the House for the liberation of *Mr. Pierre Bedard;* and Messengers were appointed for that purpose, who declined acting, on account of a defect in the formality of their appointment, and the want of directions for their conduct on such a delicate mission.*

It is difficult to account for the comparative quiet which prevailed during this Session; and, though it has been ascribed to various causes, some more efficient will doubtless be discovered in the writings of the adherents of the different branches of the Legislature. It has on this subject been asserted, that the imprisonment of the most violent of the Members of the late House of Assembly, and the destruction of the press, which spread seditious writings, had quelled the turbulent spirit, which the firmness and military attitude of the Governor and an efficient defensive Staff prevented from rising again during his Administration. It has also been asserted that

* The Messengers who had been named for this purpose, were *Messrs. Bourdages, Debartzch, Bruneau, Lee, Bellet, Papineau, junior, and Viger;* but the House, at the moment of their appointment, having adjourned for want of a quorum, the preparation of an Address was neglected.

the urgency for new laws on the part of influential men in the Province, effected a truce between the branches of the Legislature; and, combined with the hopes that the declining health of the Governor would induce him speedily to leave the Province, this circumstance may have induced the Majority to temporise. The House of Assembly and its adherents, however, would admit no farther reason for tranquillity, than that they were making a magnanimous use of their victory over Judges, Jews, and arbitrary Dissolutions, and that they perfectly despised the Minority which supported the Executive.

Leaving to future writers to collect the various reasons which combined to form a sufficient cause, the House certainly showed considerable industry in public business, and matured a variety of Measures in such a manner as induced the other branches of the Legislature to concur in them, and, by the Royal Assent, make them Laws of the land. The subjects which the Assembly postponed, were taken up by the Legislative Council, in which branch originated the continuation of the Acts for the preservation of His Majesty's Government, and for the regulation of Aliens; and various instances of compromise, after explanation, took place.

In the Commerce of the Province, subsequent to the gleam of prosperity caused by the American Embargo, a re-action had taken place; and many persons were at this time confined in prison for debts. A well written Petition from them, was presented to the House of Assembly on the 29th of December, the details of which forcibly impress the mind with the expediency of a Bankrupt Law in this Commercial Country; but, at the same time, we are led to perceive the necessity of the previous Measure of Register Offices, to check the propensity of Bankrupts to make secret transfers or investments of property justly belonging to their Creditors. Some of the Subscribers to the Petition, which more particularly prayed for a larger contribution of subsistence money, than five shillings per week, by the Creditors, were well known to have conveyed their property, in a manner which the French Laws of the Province could not trace and make known to the Courts of Justice. The House of Assembly, *blinking the question of the defects which it knew could only be repaired by admitting more English Commercial Law*, occupied itself merely with the prayer of the Petition for an additional allowance; but even this part of the subject was not prosecuted when the Committee, to which it was referred, ascertained the character and origin of the great Majority of the Petitioners.

The Legislative Council having passed a Bill to punish, as a Felony, the forging and counterfeiting of Foreign Bills of Exchange, and Promissory Notes, and Orders for the payment of Money, the House of Assembly reduced the crime to a misdemeanor; and an Act to this effect, was finally sanctioned. *This law, as may indeed be said of all other laws in the Province, is not executed with due energy, owing chiefly to the want of the necessary funds for defraying the expenses attending the bringing of offenders to justice.*

During this Session, the claims of the Contractors for building the Gaol of Quebec, were taken into consideration; but their alledged losses were not compensated: the expenditure for Gaols and Court-houses, had already been double what was intended: and the result should have rendered the House of Assembly favourable to District Assessments for such purposes, *which mode of taxation would have insured more care and economy in the application of the produce.*

The system of taxation of Commerce having, however, been adopted, lavish expenditures for public offices, were now contemplated; and the establishments were calculated to cost fifty thousand pounds. A continuation of the Gaol Duties' Act, 45, Geo. III, Cap. 13, was therefore decided upon, notwithstanding the strenuous opposition of some Merchants and Auctioneers. The want of a District Gaol for *Three Rivers,* facilitated the passage of this Bill; but the appropriation of funds for this purpose, was reserved for His Majesty's pleasure; and the contemplated public offices have to this day been neglected.

In consequence of the bequest of property by a German of the name of John Conrad Marsteller, an Act was passed this Session for the establishment of a House of Industry; but this well intended Institution, after several abortive attempts, has ended in leaving some fixed property for sale on account of the public.

Some Members of the Majority, possessed of vacant ground near Montreal, renewed their efforts in favour of the proscribed mode of covering the roofs of Houses with Shingles; but the well founded alarms of the Proprietors of Houses on account of the danger of the spreading of Fires by means of inflamed Shingles, prevented the passage of the Bill into a Law, which, on motion of *Mr. Viger*, seconded by *Mr. Papineau, Junior*, passed the Assembly, but was rejected by the Legislative Council. On the 15th of February, the Accounts of the Revenue were presented, and added to the complacency of the Assembly, by the flourishing state of the Provincial Finances which they exhibited. The amount of the Revenue was about sixty-three thousand pounds sterling, and of the Expenditure, including the expenses of the Legislature, and the drawbacks to Upper Canada, forty-three thousand pounds sterling. This Statement will account for the appropriations, after some difficulty, of the additional sums required to cover the great excesses of the estimated expenses of finishing the Gaol of Montreal, and the repairs of the residence of the Governor in Quebec; both of which doubled the original estimates, and produced subjects of enquiry to Committees of the House; and led to some salutary restrictions in future grants, without, however, altering the favourite principle of taxing Commerce, for all public purposes.

An attempt was, this Session, renewed by the *Maitres de Poste*, to recover their old monopoly of the conveyance of Travellers by Land; but there was a sufficient sense of justice and commercial utility in

the House, to prevent this retrograde movement; and the Proprietors of Stages were maintained in the facility of obtaining licenses.

In consequence of a Petition from Mr. John Molson, an opulent brewer, who, having capital to spare, had made an experiment with it, in imitating the beneficial application of the power of Steam in propelling vessels, lately introduced into the State of New York, under the encouragement of an exclusive Patent, a Bill was, on the 11th of February, introduced by *Mr. Viger*, to grant to John Molson the exclusive right and privilege of navigating one or more Steamboats between Quebec and Montreal, on the River St. Lawrence. This Bill, after undergoing some amendments, was passed on the 25th of February, by a Majority of 15 to 4. This Measure, however, was not concurred in by the Legislative Council; and, when next Session the Petitioner had succeeded in conciliating that body, the House of Assembly was unfavourable; and, like almost every projector of beneficial enterprises in this Province, he was left to depend upon his own resources; these were ample, not only in capital, but in that persevering spirit which distinguishes most Englishmen who have had success in their original pursuits, and turn their attention to higher objects of industry calculated to gratify their national ambition for improvement. This gentleman's success was soon after insured by the exigencies of the war; when his Boats were chiefly employed in conveying Troops, Stores and Provisions, for Government; and he is a prominent exception to the common prepossessions of mankind, which, as matter of course, consign to ruin and disappointment the first projectors of great undertakings.

The limits which we have prescribed to ourselves, and the desire which we feel to give some extracts from *Sir James Henry Craig's* farewell Speech, to both Houses, prevents our giving some farther details of the proceedings of this busy Session; in which the Parliament seemed to feel that the eyes of the intelligent part of the people were scrutinising the conduct of the different branches.

On the 21st of March, His Excellency having commanded the attendance of the Speaker and Members of the House of Assembly in the Legislative Council Chamber, gave the Royal Assent to Fifteen Acts, reserving for His Majesty's pleasure the Bill for erecting a District Gaol in the Borough of *Three Rivers*.

His Excellency then closed the Session with a long Speech, which began by giving due praise for the assiduity in public business which both Houses had displayed. He next alluded to the alarming illness of His Majesty, which was destined to cause the establishment of a Regency in a period of vital interest to the Nation. Alluding to the Government of the United States, His Excellency characterised their new Act of non importation, directed against Great Britain, as a branch of partial and irritating policy; the operation of which, even their own Lawyers and Mercantile Citizens could not understand. After having expressed his thanks for the provision made to

cover the deficiency in the funds originally voted for repairing the Castle of St. Louis, the Governor's residence, he congratulated them upon the constitutional manner in which the Act for disqualifying the Judges, had been passed.

His Excellency's Speech, assuming the style of advice, in the most earnest manner, called their attention to those circumstances of an augmenting Population and Commerce, which would demand an increase and energetic execution of the Laws. In this part of his Speech, we find a recommendation to the Legislature, in favour of the Inhabitants of the Townships, *between whose Lands and the City of Quebec, he had caused a spacious Road to be opened.* He characterised them as cultivating their lands in a manner well calculated to serve as an example to other parts of the Country; and he expressed his hope that emulation, not jealousy, would be felt towards them. The following paragraph, closing his Speech, we give verbatim, expressing, at the same time, our regret that the opinions and advice which it contains, have been little attended to by the Leaders of the *Nation Canadienne.*

"*And now, Gentlemen, I have only further to recommend, that as, in an early part of the Session, you yourselves took occasion to observe on the difficulty of the task, you will proportionally exert your best endeavours to do away with all distrust and animosity from among yourselves: while these are suffered to remain, all exertion for the public good must be palsied. No bar can exist to a cordial union:—religious differences present none—intolerance is not the disposition of the present times—and, living under one Government, enjoying equally its protection and fostering care, in the mutual intercourse of kindness and benevolence, all others will be found ideal. I am earnest in this advice, gentlemen. It is probably the last legacy of a sincere well-wisher, who, if he lives to reach the presence of his Sovereign, would indeed present himself with the proud certainty of obtaining his approbation, if he could conclude his report of his administration with saying:—I found, Sire, the portion of your Subjects that you committed to my charge, divided among themselves, viewing each other with mistrust and jealousy, and animated, as they supposed, by separate interests. I left them, Sire, cordially united in the bonds of reciprocal esteem and confidence, and rivalling each other only in affectionate attachment to your Majesty's Government, and in generous exertions for the public good.*"

CHAP. XIII.

RECAPITULATION,

INTERSPERSED WITH GENERAL REMARKS.

A. D. 1759—1811.

We think that the present Chapter may be made useful to our readers, by taking a retrospect of our previous career, and recapitulating the material points of the political progress of the Majority of the Provincial House of Assembly. The recess of Parliament, in the year 1811, seems particularly convenient for this temporary pause: the firm and uncompromising conduct of *Sir James Henry Craig*, supported by an accomplished Military Staff, headed by the brave *General Brock*, gives assurance of internal tranquillity. The question of peace or war with the United States was still doubtful, more particularly as His Majesty's Government seemed resolved that it should not be the first aggressor, but that the high responsibility of declaring war should be left to the American Government, whose unprepared situation for active hostilities, both as to moral and physical force, is notorious.

Our first Chapter states the design of the work, being an historical enquiry into the combined causes which have produced the present extraordinary crisis of political affairs in Lower Canada. The French Canadian Leaders in the Provincial House of Assembly, professing to act constitutionally, have brought themselves and their adherents into direct collision, on matters of Finance, with His Majesty's Executive, acting under instructions advisedly and repeatedly given by His Majesty's Imperial Government. We then give our opinion that the pretensions of the House of Assembly extend to a virtual monopoly of the powers of the Civil Government, by such a complete control in Legislation and Finance as would render His Majesty's Representative, and the Legislative Council, though co-ordinate branches of the Legislature, subservient to the interests, prejudices and passions of the French Canadian Majority. These pretensions are considered the more dangerous, because they emanate from Members of the popular branch, who profess the Romish Religion, and whose superior education and talent enable them to form the political opinions of the uneducated Electors, who are distinguished from the rest of His Majesty's Subjects, by an indiscriminating attachment to the laws, language, manners and habits of their French ancestors. We next state our belief that these pretensions have, in a great degree, arisen from the encouragement afforded to the exclusive ambition of the French Canadian Leaders,

by the Constitutional Acts, 14, Geo. III. Cap. 83, and 31, Geo. III. Cap. 31, and we propose to examine their theoretical defects and their practical consequences, with reference to the interests of the British Empire at large, and to the justice due by His Majesty's Imperial Government to the claims of the inhabitants of British descent. We assert that the pretensions of the House of Assembly cannot be founded upon any of the stipulations in the Articles of Capitulation or in the Treaty of Cession; and we support this assertion by the result of a review of those Documents. The situation in which the French Canadians were left by the Capitulation, and by the Treaty of Paris, offered no obstacle to the true policy of assimilating them to that accession of British population intended by His Majesty, on which point we refer to the Proclamation, dated the 7th October, 1763.

After reviewing the Capitulation, and the Treaty of Cession, which chiefly secure to the French Canadians, life, property and religious toleration, we remark that the whole of their pretensions now become so formidable to the Subjects of British descent, and to the Imperial Government, arise from the injudicious liberality of the British Parliament, which, by the Acts 14, Geo. III. Cap. 83, and 31, Geo. III. Cap. 31, indulged every wish of the conquered; and by the establishment of the old French Laws and Romish Religion, with the ascendancy in the popular branch, secured by universal suffrage in the Election of Members, have given a monopoly of power to the French Canadians, and left the Subjects of British descent without any beneficial influence in the Legislature.

We therefore reviewed the Act 14, Geo. III. Cap. 83, which re-established French Laws in the Province of Quebec, *tending to concentrate the French Canadians as a separate people, with a Clergy supported by Tythes*, remarking in passing that the natural disgust at these Establishments drove British Emigrants and Loyal Americans to the Upper Districts, and led to the next measure, prolific of evil, namely, that of dividing the Province of Quebec in the year 1791, and granting, *without the least regard to difference of circumstances*, a House of Assembly with the same extensive privileges to each division.

We next reviewed the Constitutional Act, 31, Geo. III. Cap. 31; and, with particular reference to Lower Canada, we found it calculated to place the French Canadians in rivalship with the other Subjects of His Majesty, and to facilitate the attempts of their Leaders in the House of Assembly to monopolise the powers of the Civil Government, *and make His Majesty a mere military protector, lavishing the blood and treasure of the British Nation in defence of a separate people, representing old France, rather than assuming the characteristics of a Colony of Great Britain.*

Pursuing the subject, we alluded to the legitimate and approved process of amalgamating the conquered with the conquering nation: a proper distinction was also alledged between a conquest that is

found fully settled, (for instance the Islands of *Guernsey* and *Jersey*, and *the Empire of China*) and one like Lower Canada, *which does not at present contain one hundredth part of the population which it will be able to support, when properly settled and cultivated.*

Considering the enactments of the Constitutional Act, with more immediate reference to the Act 14, Geo. III., Cap. 83, which had concentrated the power of the French Canadians, by the establishment of the French Laws and the Romish Religion, the effect of the almost universal suffrage in electing Members of the Provincial Assembly conferred by the Act 31, Geo. III., Cap. 31, on this part of the population, must tend to perpetuate their inclination to be a separate people, and to direct them in choosing Representatives pledged to maintain this flattering distinction. The theoretical inferences from those enactments, were next supported by a brief recital of the progress of the Constitution, till the period of the financial disputes between the House of Assembly and His Majesty's Government; when it was found that the Provincial Administration was supported, in rights and measures absolutely necessary for its beneficial existence, by only three Members, out of the fifty which compose the popular branch of the Legislature. This progress, agreeably to our hypothesis already mentioned, we suppose to have encouraged the Leaders of the House of Assembly to dictate such terms and financial conditions to His Majesty's Government, as if submitted to, would make the whole Province and the British Nation contribute to the wealth and permanent power of those leaders and their adherents. We then state our opinion that they have a nearer prospect than ever of this consummation; and that a review of the most remarkable steps evincing the ambition and objects of the House of Assembly, will prove that they have neither been negligent nor scrupulous, in pursuing the object of obtaining a complete controul over the purse and person of every Subject of British origin in the Province.

Our second Chapter commences the promised review of the most remarkable steps evincing ambition in the Leaders of the late Houses of Assembly; and we assert at the outset, that in the first and least exceptionable, and least formidable House of Assembly, the natural operation of the Constitution, and the dawnings of that ambition which, while we write, has reached its noontide altitude, are discernible to every intelligent reader of the proceedings.

The fatal omission in the Constitution to enact that the minutes of proceedings should be recorded in the English language only, as being that of the Sovereign, is stated to have produced many obstacles to the Anglification of the Country; and we contrast this omission with the provident conduct of the Congress of the United States, which body, while admitting the Territory of Louisiana, inhabited by Frenchmen, as one of the States of their Confederation, enacted, that *all Minutes of Proceedings, in the Courts and Legislature of their*

Sister State, should be exclusively recorded in the language of the Constitution of the United States; that is to say, in the English language; which enactment has naturally made the study of the English tongue a primary object with the French Louisianians; and, though in numbers, at the time of their admission, they were about half the amount of the French Canadians in 1791, the former now generally speak, or understand English, and have changed their French Laws for a new Code, while the Legislature and people of Canada remain averse from the most salutary changes approved by France herself, and necessary for the beneficial and lastingly friendly intercourse between this Province, and the English speaking population and States, by which she is partly surrounded.

In the first Session of the first Parliament, the ambition of the Majority is chiefly discernible in refusing, on futile pretences, to choose for their Speaker, a Member fully acquainted with both languages, showing, at the very commencement of their career, that *the very head and front presented to His Majesty's Representative, should be always French, and that their wish was for ever to make Lower Canada, to the back-bone, French.* The claim set up to the Jesuits' Estates, is next brought forward; and this early motion in the House of Assembly, shows that the constant object of that body, has been to diminish the legitimate rights of the conquering power, and to prevent a participation by the old subjects in the benefits of the Conquest. *France always conquered for the benefit of the French Nation; but our French House of Assembly have used, from the beginning, the powers conferred by Great Britain, to make the Conquest of Canada beneficial to the conquered only, and a continual subject of annoyance to the conquerors.*

We then allude to the effect of the remains of the old French politeness, which frequently gained its ambitious end, by manœuvring, rather than by a direct opposition to His Majesty's Government. So long as the English Minority amounted to about a fourth part of the Assembly, it frequently happened that the absence of some French Canadian Members, for business or for electioneering purposes, reduced their numbers to an equality with the usual Minority, and the House to the lowest quorum. Whenever, in such circumstances, the French found that the English were likely to carry a question, one or more French Canadians would withdraw; and immediately the Speaker, always obsequious to the Faction who elected him, would adjourn the House for want of a quorum.* The question was thus delayed until the personal convenience of the absent Members would admit of giving a decided negative. This manœuvre, however, was destin-

* It is curious to remark, however, that this manœuvre, which Mr. Speaker Panet afterwards so often encouraged, was, in the first instance, employed against himself, as will appear by an account of the first debate on the personal privileges of the Members of the House of Assembly, contained in the second Chapter before mentioned.

ed to become obsolete in the Parliamentary tactics of Lower Canada, after the end of *Sir Robert Shore Milnes'* Administration; when the Minority, comprising some Canadian Placemen and Members of British origin, had diminished to about ten members, or one fifth of the House of Assembly. We also allude to the delusion as to the almost magical effects ascribed to the forms of the British Constitution, in turning Frenchmen into Englishmen, the rallying cry of the Minority being, "*let us all put our shoulders to the wheel, and let the* "*English Constitution have a fair trial among Frenchmen.*" Meantime, the new Judicature Bill, affording the prospect of lucrative situations to Judges, Crown Lawyers, and Prothonotaries, conciliated many individuals to *things as they were.* The Executive had then something to give; the resources of Lord Dorchester's Administration, had not been dried up by a declared bankruptcy of the Receiver General, nor by the lavish votes of the House of Assembly for internal communications, which have reduced the present Administration *to a morsel of bread.*

Our third Chapter describes the pertinacity with which the French Canadian Majority resisted every modification of the Feudal Tenure of Lands, which Tenure they considered as best calculated to discourage Settlers of British origin, or, as they afterwards had the hardihood to call them, *intruders*, from settling in the French Seigniories. Fear, *which is the original source of French politeness*, still preserved decorum in the House of Assembly towards the Legislative Council, and His Majesty's Representative. This characteristic of the first House of Assembly, was the means of encouraging the Executive to recommend several useful Measures. The Acts passed were chiefly permanent; and the Messages of the Governor were received with thanks, and promptly taken into consideration. A supply of five thousand pounds was unanimously voted; and, at this period of comparatively good feeling, if any shrewd observer of the tendency of the Constitution, the nature of the Canadian Leaders, and the gullibility of their Adherents, had predicted that they would eventually come into direct collision with the Imperial Government on pecuniary affairs, and set the local Government at defiance, his prophecy would have been treated with scorn, and his person spurned from all decent society.

Next comes an account of important Measures and Projects connected with Provincial Finances and Improvements. With respect to the former, the Consolidating Act, patronised by Lord Dorchester, is not approved, for reasons hereafter to be mentioned; while the Road Act is referred to as giving rise to an avowed and lasting opposition, on the part of the Majority of the House of Assembly and their Constituents, to every improvement calculated to disturb their peculiar habits. This Law was passed under circumstances which prove that *the House of Assembly has seldom been the instrument of good, except by chance, or by a fatality beyond the momentary controul*

of the ordinary Majority of the Members. The Road Act, so interesting to the trade and inland communication of the Country, laying a moderate contribution of labour or money upon the French Canadians and other Subjects, for the improvement of their property, was nevertheless opposed by some Members of the House of Assembly, as leading to direct taxation. This, however, being the last Session of the first Parliament, the principal part of the French Majority, were absent on private affairs, or for electioneering purposes; and this important Bill, patronised by *Lord Dorchester*, was thus, by chance, carried through, and became the Law of the Land

Next follows an account of the failure of an attempt on the part of the Legislative Council and the Minority of the House of Assembly, to obtain a Bankrupt Law, *under the designation of* "*an* "*Act for more effectually securing, and for equally distributing among* "*Creditors, the Estate and Effects of persons failing in trade.*" In opposing this very seasonable and salutary Bill, the Majority were eager, as usual, to extend French Laws, rather than to adopt or imitate what was English, and therefore recommended the introduction of the *Code Marchand* of France, which, from the restricted nature of Canadian Trade, had not been made the Law of the Land, by enregistration in the Books of the Supreme Council of Quebec, before the Conquest. The tacit compromise which prevailed till the Majority became stronger was, that the English should make no attempt to introduce English Law; and that the French Canadians should be satisfied with the Custom of Paris, and the Ordinances enregistered as aforesaid, thus leaving the Country and its extending Commerce, to suffer for want of regulations which the Colonial connection with Great Britain, render peculiarly expedient to be framed on the principles of the Commercial Law of England, the introduction of which was specifically prayed for by the French Canadians and Subjects of British origin, who jointly petitioned for a House of Assembly in the year 1784. The Speaker, and even the most loyal French Canadians who obtained places, never would support Government in the smallest innovation upon the French Laws, *which, with the Feudal Tenure of Lands, were cherished as the means of deterring Emigrants from seeking an Asylum in a Province, thus rendered French in fact, though British in name.* With this Session ended the first Provincial Parliament of Lower Canada, and the Administration of *Lord Dorchester*, who, as having been instrumental in recommending the Act 14, Geo. III., Cap. 83, is to be considered as inimical to British Colonization, and possessing those narrow views, which contemplated Lower Canada as a sort of military post, chiefly important on account of the strong fortifications of Quebec.

The fourth Chapter brings us to the second Parliament, and to the Administration of *General Prescott*, who was sincerely disposed to introduce British principles and improvements, and who conducted the Government with safety through a crisis produced by internal dis-

content, influenced by the revolutionary doctrines of the French Republic. The Majority of the House of Assembly, partly composed of democratic enthusiasts, partly of Members pledged to their Constituents, to obtain the repeal of the Road Act, gave much trouble to the Executive; but certain riotous proceedings, including attempts to starve the Citizens of Montreal, by withholding supplies of provisions, combined with the intrigues of Revolutionists to strengthen the hands of Government, producing the celebrated Acts of the first Session for the regulation of Aliens, and the better preservation of His Majesty's Government. Meantime, the neighbourhood of the rapidly settling British Colony of Upper Canada, and the Commercial Treaty of Great Britain with the United States, stimulated the House of Assembly to pass several regulations, which enabled the Colony to make some advances, in spite of the impediments of French Laws, and a Feudal Tenure of Lands, inimical to human industry and enterprise, particularly in the Cities and Towns.

Next comes an epoch when accidental causes begin to favour the French Canadian Majority of the House of Assembly; and we describe the destructive conduct of the Land Board, a part of the Executive Government, entrusted with the superintendance of the settlement of the Waste Lands of the Crown, under the English Tenure of Free and Common Soccage. The ruinous effects of the location of Crown and Clergy Reserves, *in scattered lots*, and the benevolent efforts of *General Prescott* to redress the grievances of the Loyalists and other Inhabitants of the Townships, agreeably to the instructions of His Majesty's Government, are described in this Chapter, as well as his failure in his laudable intentions, owing chiefly to the influence of the interested Members of the Land Board, over *Mr. Osgoode*, the Chief Justice of the Province. The fatal abuses in the Land Granting Department, not only deprived the Province of the accession of thousands of Emigrants from the United States, skilled in Agriculture and in all the Arts connected with clearing and improving the Waste Lands of the Crown, but also laid the foundation of much discontent against the Provincial Government, on the part of the Subjects of British origin, and gave an accession of moral force to the French Canadian Majority of the House of Assembly; which body, however, did not interfere to obtain justice for the Settlers, but rather secretly rejoiced in their ruin.

This Session of Parliament which began 20th February, and ended 17th May, 1798, is an epoch in the constitutional history of the country. The Executive now assumed merely a defensive position against the encrease of French Canadian influence, and formed a close connection with the Legislative Council as the only branch friendly to the Prerogatives of the Crown, and to the principles of British Colonisation. The English and Commercial Minority of the House of Assembly meantime abandoned almost every pretension to introduce innovations on French Laws, coalescing with the French Canadian placemen

who happened to be Members of that House, and who were as much attached to French Law though not so prejudiced against improvement as the Majority. Thus commenced a kind of Oligarchy in the Government of Lower Canada, which must always exist under the present vicious Constitution 'till the House of Assembly shall be permitted to be the sole fountain of legislative authority, and obtain a complete control over the Executive, in financial affairs, and in the execution of the laws.*

The Majority of the House of Assembly now began to avoid all permanent Acts: they perceived that their pretensions to make the Colony and its resources beneficial to themselves and to the French Canadians only, must be contrary to the intentions of the British Government; and they, therefore, could only hope for a prolongation of their existence by making the march of the administration liable to interruption, whenever their own convenience or views of ulterior ambition should permit measures of such avowed hostility to Government.

Chapter fifth reviews the proceedings of the third Sesssion of the second Provincial Parliament, which was remarkable by the despatch of public business, owing partly to the suspension of all attempts to

* We seize every opportunity of recalling the attention of our readers to this assertion, and to impress upon their minds that no alteration of constitutional arrangements which shall not insure to this Province, separately, or united with Upper Canada, "a House of Assembly representing the feelings and interests of the "British as well as of the French Canadian population, can prevent the existence "of an Oligarchy, or monopoly of power in a few persons, to be employed for the "aggrandisement of themselves and their dependents." That every Briton would prefer an Oligarchy, influenced by British principles, to the complete control of a House of Assembly elected by an overwhelming Majority of French Canadian votes cannot be doubtful; but it has been proved by experience, that such an Oligarchy is rendered powerless by the House of Assembly, as now composed, in every attempt to encourage British Emigration, or beneficial Settlement of the Waste Lands of the Crown; or, in short, in making this a British Province in fact, as it has been for half a century in name. Under the present Constitution, the Subjects of British origin, for the twenty years last past, have never had six Representatives in the House of Assembly, truly exhibiting their sentiments; and even this small proportion has been continually misled into compromises, and occupied more with the means of preventing an absolute dissolution of Civil Government, than with the interest of their Constituents. This is a state of affairs which our fellow subjects in Great Britain, and even in the other British Colonies on this Continent, do not understand; but which their national sympathies should prompt them to inquire into. *A British Emigrant coming to Lower Canada, naturally thinks that the popular branch should be his protector and patron; but when he finds that this branch is French Canadian, and inimical to British Colonization, he addresses himself to the Executive; but the inclinations of this branch in his favor he finds paralysed by the encroachments and partial disposition of the House of Assembly. Thus not only the old residents of British origin have no part or portion in the popular branch; but the Emigrant, deluded by the name of a British Province, finds himself in a foreign country, and that he might as well have emigrated to the Republics of South America, or to the Brazils, or much better to the United States than to Lower Canada, as respects political rights, and the benefit of laws similar in principle to those of his native land.*

introduce the spirit of English Commercial Law, and partly to the encreasing urgency of the country for various local establishments and regulations suited to the progress of the Colony. This Session was opened 28th March, and ended 3d June, 1799. The vigilant ambition of the Majority was evinced by the adoption of the analagous practice of the British House of Commons, postponing the reading of His Excellency's Speech 'till their privilege of originating laws should have been asserted, by giving leave to introduce and read a Bill. This Chapter contains some remarks upon the only assessments or direct taxes for local purposes which the House of Assembly has ever passed; though petitioned and urged repeatedly to adopt the system approved by the practice of Great Britain, the neighbouring Colonies and States. The Act in question imposing an assessment on rent, and enacting a composition for public labor, for the purpose of making and repairing streets and roads in the cities and vicinities of Quebec and Montreal, if extended to the country Parishes and Settlements under necessary modifications, would be a great means of effecting improvements in an œconomical manner, *it being notorious that the produce of assessments is applied under the vigilant inspection of the payers of it, and cannot be employed to the exclusive benefit of a few individuals, without subjecting them to speedy reprobation and punishment.*

In alluding to the discussions in the House of Assembly upon the regulation of weights and measures, we show the pertinacity with which the Majority retained the *Minot;* which is eight per cent. larger than the Winchester Bushel and five per cent. larger than the Bushel comprehended in the Imperial Quarter of Eight Bushels established in the United Kingdom in the year 1825.

The Act for levying a tax upon Writs issuing in due course of law in His Majesty's Courts, for the purpose of defraying the expenses of erecting Court Houses in Quebec and Montreal, is mentioned in this Chapter as having a considerable influence in making the Lawyers in the Assembly second the members, closely connected with the country electors, in their views of taxing imported merchandise, including British manufactures, for all purposes. *In this manner, the commerce of Lower Canada is made the common bearer of all those burthens, which in other countries are equally divided among agriculturists, merchants, professional men and local associations.*

The Consolidated Act, of this Session, is next described; and, as it is connected with those financial disputes which have lately been the means of developing the ambition of the French Canadian Majority, we shall here repeat what is said of its object and consequences. The object of this Act, 39, Geo. III. Cap. 9, was to obtain the repeal of the British Act 14, Geo. III. Cap. 88, and 28 Geo. III. Cap. 39, and offering a permanent Act with permanent appropriations for the purposes contemplated in these Acts, amounting to twelve thousand pounds sterling, thus obliterating all traces of the power of the Imperial Parliament formerly exerted in taxing the Colonies for the

purpose of revenue. The consequence of a compliance, on the part of the Imperial Parliament, with the object of this Colonial Act, would have been to make the support of His Majesty's Civil Government, *both in Upper and Lower Canada*, depend upon the will of the Legislature of this Province. Such an experiment has hitherto appeared unnecessary and dangerous, *with respect to a Colony inhabited chiefly by persons of French origin;* and His Majesty's Ministers have, in our humble opinion, wisely declined moving the British Parliament to comply with the conditions of the Act in question.

The demands of the conquered, mentioned in our review of the Capitulation of Montreal, were the favorite text book of the House of Assembly; and this body endeavoured to exercise, by means of Colonial Laws, the power of establishing new Parishes, which exclusively belongs to the Sovereign or his Delegates. *This power was particularly embraced in the postponed Union Bill of* 1822; *but, as one of the highest Prerogatives of the Crown, it appears expedient that its regulation and the general state of the Roman Catholic Clergy in Lower Canada should be the subject of a separate Act of the Imperial Parliament.*

Then follows an allusion to the Governor's Speech, showing that his unfortunate differences with Chief Justice Osgoode on the Land Granting abuses, had forced him to conciliate the popular branch of the Legislature, and give them an expectation that by skilfully availing themselves of the differences between the other branches of the Government, the French Canadian Majority might eventually turn the whole resources of the Province to the benefit of themselves and their Constituents. Indeed, no legislative body has profited more by accidental causes in peace and in war, than the French Canadian House of Assembly of Lower Canada, *notwithstanding the humiliating check to unprincipled ambition, which it lately received from the Imperial Parliament by the Canada Trade Act, and the Act still more recent which regulates Free and Common Soccage Lands in the Townships by English laws.*

This Chapter touches upon the absurdity of expecting that in Lower Canada, any appeals to the sense of the people, by Dissolutions of the Assembly, should have the smallest effect in producing a House differently composed as to views and principles, or more favorable to the Local Government and to the interests of the British Empire at large, under the present Constitution. As an illustration of this peculiarity in the political state of this Province, we mention the general appeal, made by Mr. Pitt's Administration to His Majesty's Subjects throughout the world, calling for voluntary contributions, for the support of the just and necessary war; in which, for the preservation of the thrones, the altars, and the independence of European States, His Majesty, and his Allies were engaged.—Those contributions produced millions of money in the United Kingdom; and the occasion was seized by BRITONS, *in every quarter of the globe*, to manifest their zeal for the national cause, and for the support of the

Imperial Government. The result of this appeal, however, to the inhabitants of Lower Canada, was very different from what some sanguine calculators expected. *The French Canadians and influential R presentatives, from the causes already mentioned, had in no manner sympathised with the British Nation, nor identified themselves with its fortune and glory. On the contrary the disposition of the* "NATION CANADIENNE," *and the ambition of its Leaders fostered by the preposterous and absurd policy of the conquering power, were to remain a separate people, distinguished from Englishmen, by laws, language, manners, habits and pursuits, of their own.* Under such circumstances, the result may be readily conjectured by our intelligent readers; instead of obtaining fifty thousand pounds, from a province containing that number of householders, boasting of their loyalty, the contributions were chiefly confined to the French Canadian Volunteers, *a military corps in British pay*, and to persons of British origin in the Cities and Boroughs, producing not one tenth of that sum.

A contemporaneous event is however mentioned to show that from the same French Canadians, *at that period of comparative good feeling*, a little management could always obtain compliments and professions, costing little and pledging less of money or service. The intention of *Governor Prescott* to leave the Province on a visit to London produced Addresses, in which they joined with the other Subjects, in the warmest expressions of gratitude and attachment to His Excellency, and to His Majesty's person and Government.

The succeeding Administration of *Lieutenant Governor Milnes*, is severely characterised as being of a weak, temporising, selfish and short sighted description. Abandoning the objects of beneficial Colonisation, this Administration was chiefly occupied in dividing among its greedy adherents, the wrecks of the new settlements in the Townships, conveying large tracts of fertile land to persons, devoid alike of the talent and the capital requisite to form beneficial Settlements, and extend British Colonisation. We request the particular attention of our readers to the systematic flattery with which *Sir Robert Shore Milnes* plied the House of Assembly, for the temporising purposes of his Administration, showing his readiness to *sell the Birthright of Britons for a mess of pottage.* Intelligent readers of the proceedings of the House of Assembly, during his long Administration, must be confounded with the eulogiums on the past, and brilliant anticipations, of the future, which prevail in his Speeches.* *Right or wrong, the two Houses must be gorged with flattery*, till at

* Some of those friends of *Sir Robert Shore Milnes*, whom his general amenity of manners conciliated, pretend that he imitated the style and spirit of His Majesty's Speeches to the Lords and Commons; but they cannot deny that, in such imitation, he should have been restrained by the disparity of circumstances. His Majesty, in the homogeneous nature and disposition of the Inhabitants, with the power of balancing the great interests of the United Kingdom, finds ample means of preventing that constant and radical contradiction of the Measures of the Min-

length, the Legislative Council, completely surfeited, exhibit a loathing of the annual banquet, while the appetite of the Assembly continues keen till the last, misleading some more recent Governors in planning their ways and means of influencing the latter body.

The events of the Session beginning on the 5th of March, and prolonged with little benefit till the 29th of May, 1800, are chiefly remarkable as showing that the House of Assembly disregarded the interests of Commerce; however much recommended by that of the Colony, and the Empire at large, and was eager to restore every advantage, for the exclusive benefit of their Constituents, which had accrued legitimately to His Majesty from the Conquest, *and which he was disposed to apply to the benefit of his old and new Subjects indiscriminately, particularly by promoting Education in the English tongue.*

An attempt, on the part of the Commercial Interest, to obtain some direct encouragement, by bounty, for the culture of Hemp, failed this Session; but, when it was afterwards supported by a strong recommendation from that Government, *which covered all deficits in the Provincial Revenue by a portion of the produce of British taxation,* it succeeded: and an experiment in the culture of Hemp was made, which failed, partly from the slovenly and monotonous habits of the peasantry, and partly from the circumstance that *the French Canadian Clergy have no right of tythe, even from Roman Catholic Parishioners, on any Grain, except what is fit for the food of Man.*

Tythe

This Chapter also contains an account of the renewal of the claim of the French Canadians upon the Estates of the Order of Jesuits, already mentioned. Jean Joseph Casot, the last of the Canadian Jesuits, died the 10th of March, 1800; and the House, hearing that the Executive, in expectation of that event, *extinguishing the pretensions of any individual,* had finally taken possession for the Crown, addressed the Governor, praying for certain Documents to facilitate an investigation of the claims of the Province on the Estates, which that body alledged to have been given to the Jesuits, by the King of France, for the specific purpose of affording the means of instruction to the people. His Excellency, however, having stated that the Address of the first House of Assembly had been considered by His Majesty in Council, and that an order, nevertheless, had been received from the Colonial Department, to take possession for the Crown; the House of Assembly, *influenced by the deference to Royal Authority which still restrained that body,* was satisfied with consigning the appropriation of the Jesuits' Estates to the mass of grievances, which His Majesty's NATION CANADIENNE is now preparing to expose by a Special Delegation of Representatives at the foot of the Throne.

istry, appointed by him, which are totally wanting in Lower Canada; *where the boast of being born a Briton,* is no recommendation to the popular branch of the Legislature, but the contrary.

This Chapter, completing the history of the last Session of the second House of Assembly, alludes to an abortive attempt on the part of the Minority, to introduce into the Constitution, the British principle of a *qualification of property in all Candidates for a seat in the House of Assembly;* that body, however, as will soon appear by the refusal to admit a Jew of reputable character, was more inclined *to establish a Religious Test, than a pecuniary qualification.*

Our sixth Chapter opens with stating the result of the General Election for the third House of Assembly, which was warmly contested, and returned eighteen Members, including five French Canadian Placemen, friendly to the Executive, though, of this number, all were not favourable to the smallest modification of French Laws, or of the Feudal Tenure of Lands. At this period, the British interest was sufficiently strong in the Cities and Boroughs of Quebec, Montreal, Three Rivers and William-Henry, to return a Majority of the nine Members, allotted to those places.* This House of Assembly indeed, was as well composed to forward British Interests and support the local Government, as the circumstances of the Country, with its vicious Constitution, giving universal suffrage to the French Canadians, would permit. It will also be observed, that party spirit and competition between the Legislative Council and the Assembly, could be soothed into compromise, and that the success of Measures did not always depend upon the Department in which they originated. Meantime, the British Ministry appear to have entirely lost sight of the consequences of the injudicious Constitutional Acts, adverting always to the Anglification of the Colony, as a mere matter of routine, and having apparently no idea of the obstacles to their wishes of spreading the English Language, which the Acts 14 and 31, Geo. III., had made. If they, however, received a correct report of the proceedings of this Session, they must have been undeceived; for the House of Assembly, in nearly re-echoing that clause of the opening Speech, in which His Excellency intimated the intentions of His Majesty to establish a competent number of Free Schools, for the instruction of the rising generation, in the first rudiments of useful learning, and in *the English Tongue*, took great care to show that Instruction in the native language of the Sovereign, was uncongenial to the feelings of the Majority, as being, in truth, incompatible with their ambitious views of *keeping their Constituents a separate and concentrated body, obedient to the political doctrines which they could convey in the French language, either openly or in a covert manner, through the medium of Notaries and Priests.*

* The British Settlers, persisting always in the support of the local Government, were at length completely worsted in 1827; and from all those places, only two Members were returned, who were uncompromising Supporters of the Executive: the late Election, in fact, exhibited rather a triumphant progress of the Rulers of the Country, than the solicitation of votes and interest which, in other Countries, humbles, for a time, the Candidates before the Electors.

This Session, which began on the 8th of January and ended on the 8th of April, 1801, is remarkable as affording a curious instance of the uncompromising tenacity of the Constituents of the Assembly, who then, as in the year 1827, persisted in re-electing the old Members, however obnoxious to Government: *indeed, for the twenty years last past, they have sent into the Honourable House, ten Members out of the fifty, who would never be admitted into any respectable company. Charles Baptiste Bouc* had been expelled from the last House of Assembly, in consequence of a previous conviction of conspiracy, with others, to defraud Etienne Drouin of divers sums of Money; nevertheless, this obnoxious character was triumphantly re-elected as a Member of the House of Assembly, for this third Parliament, from which he was again speedily expelled. The enlightened Electors of the County of Effingham, resolved to overact the part of those who reelected John Wilkes, of infamous memory, elected, for the third time, the same Charles Baptiste Bouc, whose annual annoyance could only be prevented by an Act of the Legislature, necessary in Lower Canada, and unprecedented elsewhere, "*for disqualifying and restraining Charles Baptiste Bouc from being elected, and sitting and voting as a Member of the House of Assembly.*"

This Session is remarkable, by the number of Acts passed, and the variety of subjects brought into discussion. The Crown Lawyers and two Judges of the Court of King's Bench, being Members of the House, important explanations and amendments of the Laws, were suggested by their experience; while deference to them facilitated the concurrence of the Legislative Council in those amendments. Be it always, however, remarked, that nothing of the principles or practice of English Law was introduced: French Laws were explained and eulogised, *in French;* and, His Majesty's coin excepted, the House of Assembly was always disposed to quarrel with every thing not presented in a French style.

Then follow some explanatory characteristics of the Executive, showing that the local Government limited its endeavours *to obstruct the developement of a vicious Constitution, instead of taking decisive measures for its reformation, by appealing to His Majesty's Ministers, and exhibiting, in true colours, its destructive effects upon British Colonization and Commerce, and upon the interests of the Empire at large.* The Annual Session of the Provincial Parliament, was opened on the 11th of January, and ended on the 5th of April, 1802; and is remarkable, by the deference shown to the Commands of His Majesty, with respect to the encouragement of the Culture of Hemp, for which an Act was passed this Session, producing a costly experiment, which nothing but the ignorance of the British Government, as to the political and moral state of the Colony, could have recommended. Besides the principal causes of failure already alluded to, *and which were neither unfavourable soil nor climate,* we may mention, that among an uneducated and unenterprising peasantry, it requires

extraordinary encouragement to induce the cultivation of any article, without a more immediate view than Foreign Commerce. The Agricultural Societies afterwards established in Lower Canada, better understood the preferable objects of encouragement. The improvement of the breed of Cattle and Hogs, and the increased culture of *tytheable* Grain, have been their principal objects; and considering the influx of British Emigrants, under every disadvantage, we may even suppose that the culture of Hemp, and its preparation for a Foreign Market, may be reintroduced in Lower Canada, and more particularly into the Townships where the interest of the Clergy to prevent the cultivation of any article not subject to tythe, does not exist: the experiment seems desperate in Seigniorial Lands; but the impediments to success there, form only additional motives to give it a fair trial elsewhere.

This Session, in the despatch and extent of Public Business, shows the importance of the interests which occasionally united in influencing the march of the Administration, and likewise the facilities given by the Executive Councillors, Members of the House, who were enabled to state whether Measures originated by the Assembly, would in no wise interfere with His Majesty's Prerogatives. *It will hereafter appear, that when the jealousies and intrigues of the Majority had prejudiced the Electors against voting for Executive Councillors, and prevented almost any person connected with the Executive, from having a seat, Measures were passed by the Assembly repeatedly, in such a shape, as necessitated their rejection in the Legislative Council.*

Another attempt was made by the Majority, this Session, to establish a pecuniary allowance for the Legislative services of the Speaker and Members of the Assembly; and the Constitution not having restrained individuals devoid of property, from being elected, this Measure was of vital importance to many poor Members, and was with the utmost difficulty defeated, by the influence of the Executive, and of those who considered it calculated still farther to depress the character and qualifications of future Candidates.

The seventh Chapter begins by stating the effects of the jealousies between the House of Assembly, and the other branches of the Government, in preventing every species of improvement which could not be compassed by individuals and private associations, and alludes to the effects of Foreign Commerce, and the enterprise of Mercantile Men, in promoting the industry of the Country, under all the disadvantages which arise from an incompetent Legislature, *equally ignorant of the principles of political economy, and of the resources of the Canadas.*

Among the British and Commercial Members of the Assembly, there were some indefatigable individuals, who took every opportunity of the absence of a Majority of French Canadian Members, to have the freedom of discussing their projects of improvement, and appealing to the enlightened part of the public on their merits. This

Session was opened on the 8th of February, and ended on the 14th of April. On the 1st of April, when the absence of many French Canadian Members, and the well ascertained disposition of the Legislative Council gave hopes of success, Mr. Young introduced a Bill for enregistering Deeds affecting Real Property, granted by His Majesty under the English Tenure of Free and Common Soccage: this Measure would have produced good titles, and facilitated the sale of the Township Lands by those who had obtained extensive grants; but such was the hostility of the French Canadians to British Colonization, that the present and all future attempts to obtain Register Offices, have been defeated in such a manner, as *to stigmatise the House of Assembly as the patron of Mortgage Frauds, and to throw a general odium over the Constituents of that body.* The Legislative Council, unwilling to participate in this odium, was, at different times, induced to manifest its desire to facilitate the publicity of all encumbrances on property; and, in order to deprive the Assembly of any pretext of interference with the French Laws which regulate the Feudal Tenure of the Seigniories, that body in the year 1825, sent down for concurrence, *a Bill entirely confined to the Registration of Sales and Encumbrances of Township Lands, and studiously avoiding whatever could in anywise disturb the routine of the French Canadians and their Feudal Lords;* but this Measure met with the customary reception which the House of Assembly has always given to every encouragement to Colonisation on British Principles, and to every regulation which would afford a fair experiment of the effects of British Laws, in the most distant corner of Lower Canada. *Indeed, nothing short of the interference of the Imperial Parliament, will be necessary to enact Laws for the benefit of the Townships, which are exclusively settled by Subjects of British origin, eager to obtain the advantages of British Legislation.*

This Chapter contains several characteristic features of the truly Feudal and French picture of the Assembly, and deserves the particular attention of all those who doubt the difficulty, or rather the impossibility, of rendering Lower Canada, under the present Constitution, a British Colony *in fact*, as it has been *in name*, for more than half a century. The business of this Session was much interrupted by the absence of Members; but the French Canadians took care to be sufficiently strong in the House, to defeat all attempts at innovation upon the old Laws and Customs of the Province, being equally regardless of the numerous examples of improvement held forth by the course of Legislation in France, England, the United States of America and Upper Canada, and proving that Mr. Pitt's expectation that emulation, instead of jealousy, would characterise the French Canadians, when insulated by his impolitic division of the Province of Quebec, has entirely failed; and its failure has in no small degree derogated from the correctness of his other Measures

respecting Foreign Nations:—on this subject, however, we must refer our readers to the account given in Dodsley's Annual Register, of the debate in Parliament upon the Constitutional Act, 31, Geo. III., Cap. 31.

We next give an account of the extraordinary Session, called by the Lieutenant Governor, in virtue of express authority given to him by a clause of the new Militia Act. Official intelligence of the renewal of the war between Great Britain and the French and the Batavian Republics arrived at Quebec in July: in consequence of which the Legislature of Lower Canada was summoned to meet on the 21st August, 1803. The promptitude with which the great Majority of the Members took their seats, and renewed the temporary Acts for the better preservation of His Majesty's Government and the regulation of Aliens, were subjects of eulogium in the Speech of His Excellency. But even this short Session of ten days affords some samples of opposition to the Executive, and differences between the Legislative Council and House of Assembly, worthy of being referred to by our readers.

The Act, originating in the former body, entitled "*an Act for the more ample publication of certain Acts of the Provincial Parliament*," was carried through the Assembly with much difficulty; because the authority given to the Executive to order the reading of laws and proclamations by the parish Priests was supposed to expose them to be influenced by the Government. *Mr. Joseph Papineau* strongly opposed the measure; and an attempt was made to substitute the Captains of Militia in the room of the Priests, which however failed, from the notorious circumstance that many of those officers were unable to read correctly, and very much required the assistance of the Priests, *in order to understand their military as well as their other duties.*

During the recess, the effects of the war, vigorously carried on by Great Britain, almost single-handed, against *Napoleon Buonaparte*, the Ruler of France, produced an extraordinary demand for Canadian Produce in the British markets; and the progress of the old, and the introduction of new branches of industry, particularly ship-building and the manufacture of lumber and potashes, are mentioned.

The fifth and last Session of the third Parliament was opened 10th February, and ended 2d May, 1804. It was a busy Session, in which the financial system of taxing imported goods caused much debate between the Majority and feeble Minority in the House of Assembly. When the proposed ways and means of defraying the expense of erecting Gaols and finishing Court Houses were debated, the Majority, whose influential members were lawyers, notaries and *habitants*, were assailed by a strong opposition out of doors on the part of the Mercantile interest; and this Chapter contains an extract from a Presentment of the Grand Jury of the District of Montreal, in favor of the British principle of defraying the expense of local establish-

ments by local assessments; to which we request the particular attention of our readers. It is needless to repeat that this opposition was fruitless, and merely tended to show, that, *under the present Constitution*, the merchants will always have to complain that their interests and those of commerce are constantly sacrificed to the immediate interests of those who completely lead the peasantry, by flattering their prejudices. But, to understand the scope of the general measures of finance proposed by the Majority, it is particularly necessary to recollect that *under the present Constitution, men of large property have no direct influence in the Legislature, or at elections, and are entirely at the mercy of the forty shilling vassal of a feudal Seigneur, who sits in the House of Assembly, well tutored by the lawyers and notaries to harass the commercial and other capitalists, and to make all their undertakings tributary to feudal burthens, and taxation for local and general purposes. Capital in Lower Canada is thus deprived of its legitimate influence, and driven to seek security under governments more wisely constituted.*

Besides differences with the Legislative Council, the Majority of the House of Assembly distinguished this Session, by calling in question the Prerogative of the Crown respecting His Majesty's rights to certain lots of ground in the City of Montreal, intended to be granted as the scite of a new District Gaol. This, being only the forerunner of other attempts to interfere with His Majesty's territorial rights, is worthy of the attention of our readers, and will prepare their minds for the consideration of the various grievances alleged by the candidates for votes at the approaching general election, which are briefly noticed in our succeeding Chapter. Meantime, the quorum of the Assembly having been reduced to twelve members by the casting vote of the Speaker, the Parliament was at length prorogued, with Sir Robert Shore Milnes' usual tribute of applause.

CHAP. XIV.

RECAPITULATION

CONCLUDED.

Our retrospect and recapitulation have embraced more topics than we at first intended; but we shall endeavour to be as brief and rapid as our anxiety to fix the attention of our readers upon some *salient* points of the ambitious progress of the Majority of the House of Assembly, may permit.

Our eighth Chapter opens with an analysis of the grievances declaimed upon at the general election; by which it appears that nothing less than the regulation of all the affairs of the Constituents on the old French and feudal system would have been satisfactory. The predominancy in population was boldly stated, *as if the country had been free and independent,* to entitle the French Canadians to a predominancy in all the civil offices of honor and profit, leaving to the conquering power the empty name of a mere military protector. Meantime, the imagination of the orators ran wild as to the happiness which would arise to the "*Nation Canadienne,*" if, as in the House of Assembly, a Majority of French Canadian Roman Catholics existed in the Executive and Legislative Councils, extending the national influence through every civil and religious department. The Oligarchy, formed by the temporary coalition of a minority of French Canadian Roman Catholic Placemen with Protestant *intruders,* was the particular object of obloquy; and at this time all the civil officers of the Government were indiscriminately stigmatised as being engaged in a conspiracy to monopolise all the benefits of office for themselves and their children. The principal topics of declamation were, however, of a prospective nature: few, indeed, and frivolous, were the grievances which could be alleged as actually existing; but many were stated to be in prospect. Because Lower Canada was a Dependency of Great Britain, it was alleged that continual attempts would be made to introduce heavy taxation; and the Presentment of the Grand Jury of Montreal, in favor of an Assessment for building a District Gaol, was given as a presumptive proof that direct taxes would be the order of the day, if extraordinary efforts were not made to return all those of the old members, who pledged themselves to oppose such burthens.

The fourth House of Assembly contained an unusual number of small proprietors holding their lands under Seigneurs, subject to annual rents, mutation fines, and other feudal burthens, who conceived themselves already sufficiently taxed by the *immemorial custom* of the country. Their habits of thought were almost hereditary from

father to son ; and, while they were alarmed by the spectre of direct taxation, they could not conceive how the produce of direct taxes could be applied to enhance the value of their lands, nor connect their interest with the general improvement of the country. In their restricted view, *the operations of the Merchant were for his sole interest ; while those of the Lawyer, Notary and Priest were chiefly beneficial to their employers.* The new members were entirely under the controul of the Lawyers and Notaries, and increased the strength of the Majority against all Assessments and direct taxes, and in favor of taxes on Merchandise.

Sir Robert Shore Milnes, and the Majority of the Executive Councillors, having no other object than to obtain the means of carrying on the Government, took no decided part in the financial question as to the objects of taxation ; and the commercial interest was in the minority in the Legislative Council as well as in the House of Assembly.

The repeated defeats of all attempts to modify the Feudal Tenure could not however deter some young members of the Assembly from agitating the question, and detailing the numerous impediments to the progress of the Colony in industry, both agricultural and commercial, which that tenure entailed. The eighth Chapter accordingly gives an interesting discussion upon the Bill introduced by *Mr. John Caldwell, "to enable the Seigneurs of this Province to compound, for their feudal rights and dues, with their vassals and censitaires."* The House of Assembly would not even go into Committee upon this Bill, which was considered as calculated to encourage Protestants to intrude themselves into the parishes and towns, diminishing not only the tythe to the Priests, but also the number of votes at elections in favor of French Canadian predominancy.

The influence of foreign commerce, and the indefatigable perseverance of interested individuals, produced several Acts connected with the local improvement of the country this Session; and it is a painful subject of reflection, that all the attempts of well intentioned individuals to coalesce the inhabitants of British origin with French Canadians, in Libraries, Banks, Insurance Companies, Hotels, Assembly Rooms, and even Concerts of Music, have ended in discord and complete division. This incompatibility of temper is entirely owing to the ambition of predominancy engendered by a Constitution, which in its progress exasperated those feelings of hostility, which during thirty years after the Conquest were gradually softened down, permitting the closest ties which bind families together to take place frequently ; and French Canadians and Britons, were described by travellers as amalgamating into one people, in the year 1784.

The same Chapter states the conclusion of *Sir Robert Shore Milnes'* Administration, and gives grounds of suspicion, that his Report to His Majesty's Ministers would have avoided any distinct views of the defects of the Constitution, and of the permanent causes which

would prevent the Colony from being Anglified, and rendered useful, instead of being embarrassing, to the Imperial Government.

After *Sir Robert Shore Milnes* had obtained leave of absence on account of his declining health, the Honorable *Thomas Dunn*, a Puisne Judge of His Majesty's Court of King's Bench for the District of Quebec, succeeded to the temporary Administration of the Government, under the title of President, and in virtue of his being the oldest Protestant member of the Executive Council.

The administration of this old gentleman was still less fit, than that of his predecessor, to hold the balance between the French and English parties, or to shield the minority of English inhabitants from the effects of the systematic encroachments of the House of Assembly upon His Majesty's Prerogative, and the detestation evinced by that body against British principles of law and finance.

The second Session of the fourth Provincial Parliament began 20th February, and ended 19th April, 1806; and it acquired distinction from the opportunity which the French Canadian Majority seized, during this weak administration, to render the constructive privileges of the House of Assembly oppressive to that liberty of speech and writing which, though not a French, is at least an English birthright. The malevolent passions gave animation to this Session; and they were chiefly excited by the well founded complaints of the then powerful body of merchants, against the system of taxing merchandise for all purposes, adopted by the House of Assembly, from reasons already mentioned, connected with the prejudices, and immediate interests of the majority of the members, and of their French Canadian constituents.

The merchants, and others, friendly to British principles, contended *that local establishments, such as court-houses, g ols and houses of correction, should be defrayed by assessments or direct taxes upon the districts, counties and cities for whose benefit they might be respectively required.* The toasts* at a public dinner, given in honor of the members, who had supported those British principles of taxation, having been published in the Montreal Gazette, were voted a libel on the House of Assembly and on the other branches of His Majesty's Government; and *Isaac Todd, Esquire,* the President of the dinner party, and Mr. Edwards, the Printer of the Montreal Gazette, were ordered to be taken into custody of the Serjeant at Arms.

But those two individuals were not the only objects of persecution.

* The toasts alluded to are given verbatim in the eighth Chapter; and it must be a memorial of the madness of party spirit, that they should have been made the grounds of prosecution by a House of Assembly, pretending to be the most zealous and disinterested friends of political and personal rights: it is abundantly evident that *the French Canadians and their Leaders confound the idea of liberty and right with mere power,* which, like the other good things of this life, they wish to monopolise, if that were possible, for themselves and their descendants, to the exclusion of all others.

Mr. Thomas Cary, the intelligent proprietor and editor of the Quebec Mercury, having accompanied his usual report of the proceedings of the House with some remarks, reprobating the rigorous course intended against the Editor of the Montreal Gazette, incurred the high displeasure of the Majority, who, retrograding half a century in search of British precedents, declared it a high breach of their privileges, for any individual to presume to give to the public an account of the proceedings of the House of Assembly. *Mr. Cary* was ordered into the custody of the Serjeant at Arms; but having, by humble petition, expressed his sorrow for having given unintentional offence, the House, thinking probably that they were advancing too fast to the reign of terror, ordered his discharge.

Nothing is more pitiable than such attempts to obtain respect for persons and principles which do not deserve it; and those violent and injudicious proceedings of the popular branch against the Press, had a very different effect from what it vainly expected.

Several well written communications, calling in question the right of the House of Assembly to arrest a Subject of His Majesty by its Speaker's warrant, appeared in the Quebec Mercury; and this constructive right was considered so worthy of regulation, that a clause in the Union Bill of 1822, prohibited its exercise before it should have been enacted by the proposed new Legislature, and declared necessary for the support of its dignity.

On the 4th March, *Mr. Bedard*, seconded by *Mr. Berthelot*, obtained a Resolve for the appointment of a Committee of nine Members, to prepare an Address and Memorial to His Majesty, beseeching His Majesty not to exercise his right of disallowing the late Act of the Legislature, providing means for building Gaols for the Districts of Quebec and Montreal.

This Address and Memorial, as finally voted 18th March, is reviewed in the same Chapter: its misrepresentations of facts, alledging what was false, and suppressing what was true, in the state of the country, and in the science of political economy, were mixed up with the usual portion of sentiments of loyalty and attachment to His Majesty's person and government, and with such occasional touches of flattery to the Constituent body, that it may be considered a fair sample of that coquetting behaviour which distinguished the Majority, who were too ambitious to serve either His Majesty or the Nation Canadienne, thinking only of serving the interest of themselves and of their immediate adherents.

The commercial minority was partially conciliated this Session by some regulations of trade, and by a vote of one thousand pounds for the improvement of *the Lachine Rapids;* but, towards the end of the Session, the Majority lost their temporary good humour, by the refusal of the President to make an advance of seven hundred and fifty pounds, to defray the expense of translating into French, and printing for the use of the Members of the Assembly, Hattsell's Prece-

dents of Proceedings in the House of Commons. Such an application of money for the mere purpose of *providing in French what the Members should have endeavoured to study in the English tongue, was thought to be deserving of the previous consideration of the other branches of the Legislature.*

The President does not appear this Session to have been treated with the respect due to his station by the Assembly ; and, though in humble imitation of his predecessor, he paid some compliments to both Houses in his closing Speech, it is probable that he was far from being satisfied ; and though he suppressed all expression of personal feeling on the subject of a want of etiquette in the intercourse of the Members with him, he could not avoid lamenting the non-attendance of half the constitutional number, and the frequent adjournments for want of a quorum. All the Acts passed this Session were temporary, according to the systematic policy which endeavours to make the House of Assembly the regulator and controller of the march of the Administration, and to enable that body to connect its power with the continually recurring legislative wants of a progressive Colony.

Our ninth Chapter begins with stating the progress of Commerce and Industry in Lower Canada, which is ascribed to the demand for the productions of the Canadas, and of the neighbouring States, in the British Markets, in consequence of the war in Europe, and the Decrees of the French Emperor, which interrupted the intercourse of England, with the Continent of Europe, and more particularly with the Northern Powers; making the great channel of the *Saint Lawrence* important, in facilitating supplies of Naval Stores.

After stating the extraordinary encouragement given by the Parliament of Great Britain, to the employment of Capital in the Colonial Lumber Trade, and showing the advantages which Upper Canada, and those American States which border on the River St. Lawrence, derived from it, allusion is made to those peculiar characteristics of the French Canadians, and of their incompetent House of Assembly, which prevented them from having the principal share of the benefits derived from the resort of hundreds of Vessels to Quebec, making two voyages annually, and carrying to British Ports, Lumber, Pot and Pearl Ashes, Wheat, Flour, and Provisions. The indirect benefits to the native population, were indeed great ; but we venture to assert that, *until the Leaders of the French Canadians can be induced to second the policy of British Colonisation, by facilitating the combination of their Constituents with the Upper Canadians, and with Emigrants from Great Britain and from the United States, they will have little share in clearing the Waste Lands, and establishing new Settlements in this Province.* Till this desirable combination take place, we shall continue to see them and their Representatives envious of the prosperity, though not emulous of the industry, of their neighbours.

The third Session of the fourth Provincial Parliament, was opened by *President Dunn*, on the 21st of January, and closed on the 16th of April, 1807. It was not remarkable for many important Measures brought to maturity; but a variety of projects are mentioned, indicating that the Commercial and other interests were urgent for Legislative guidance and encouragement. The House of Assembly was, however, chiefly anxious to extend and secure the powers lavished upon it by the Constitution; and the Act 47, Geo. III., Cap. 16, containing regulations for the conduct of Returning Officers, contributed to discourage Candidates of British origin, from opposing those of French origin, at future Elections.

On the 24th of February, the attempt to obtain a pecuniary allowance for the Speaker and Members of the Assembly, was renewed; but it so completely failed, that since that period, an allowance for Legislative services has been considered disreputable, except in the case of the Speaker, who, *as a servant of the Honourable House*, has been deemed a fit object of hire; and since the year 1817, by a compromise with the Legislative Council, stipulating an equal allowance, to the Speaker of that body, those Officers have each received a salary of one thousand pounds, for the service of three months, the usual duration of a Session of the Legislature.

Though no Acts of importance were passed this Session, several connected with local convenience and police, occupied much of the time of the House; and the President, in his closing Speech, had a fair opportunity of imitating his predecessor in praising the Assembly, which would, however, have been more gratified with his assenting to pecuniary reward.

Next follows an account of some important events in Europe and in America, which had a powerful influence on Canadian affairs.—The British Ministry, familiarly called "*all the Talents*," which promised so much, and performed so little, was finally wrecked on the rock of Catholic Emancipation; and, in the months of March and April, 1807, a Tory and Anti-gallican Administration was established, which, possessing the unbounded confidence of His Majesty, rallied around it the great body of the British Nation, and eventually obtained what Mr. Pitt desired in vain—*the deliverance of Europe from the yoke of France, and the splendour of Military, in addition to Maritime Power and reputation, for their Country.*

We also show the progress of the hostile disposition of the Government of the United States towards Great Britain, accelerated by the unauthorised, though excusable zeal of Admiral Berkely; whose orders to take, *by force of arms*, if necessary, certain Deserters from His Majesty's Navy, forming part of the Crew of the American Frigate Chesapeake, were strictly executed by Captain Humphries.

Those events are particularly detailed in the same Chapter, as influencing Canadian affairs, causing the appointment of *Sir James*

Henry Craig, as Governor General, and leading to the unprecedented mode of hostility adopted by the American Government, under *President Jefferson*, which, by the prolonged Embargo on American Vessels, produced a contraband Trade from the Frontiers of the United States, through Lower Canada, pouring Wealth, Capital and Commercial Enterprise, into that Province, for two shipping seasons, and affording a stimulus to improvement, which a competent and impartial House of Assembly, would have made a lasting benefit to the Country and to their Constituents, as well as to the Subjects of British origin.

The fourth Session of the fourth Provincial Parliament, was opened by *Sir James Henry Craig*, Governor General, on the 29th of January, and ended on the 4th of April 1808; and, as the inefficient Administration of *President Dunn*, had left much business in arrear, the urgency for despatch was proportionably increased. Owing to the American Embargo, and the influx of Commerce, the establishment of a Bank was a favourite project, as the means of obviating the inconvenience of a continual drain of specie in payment of American Produce: the regulation of the increasing Lumber Trade, was also an important object; but, as the primary design of our essay is the developement of the ambition of the Leaders of the House of Assembly, we chiefly recapitulate what has a bearing on that subject.

Our political hypothesis, resting chiefly upon the effects of an injudicious Constitution, which has tempted the French Canadian Majority to aspire to exclusive domination, will receive much support and illustration from the conduct of the House of Assembly, this Session. At an early period, a resolve was carried by a Majority of 21 to 5, "*that Ezekiel Hart, Esquire, professing the Jewish Religion, cannot vote nor take a seat in this House.*" This expulsion was equally contrary to the Constitution, and to an Act of the British Parliament, which, in the Reign of *Geo. II.*, had conferred all the rights of British Subjects upon all Jews, who might have resided seven years in any Colony belonging to Great Britain.

The next unconstitutional Measure, was the Bill introduced by *Mr. Bourdages*, for disabling Judges from sitting and voting in the House of Assembly; which Bill was passed on the 4th of March, by a Majority of 17 to 8; and, as an inducement to the Legislative Council to concur in the Measure, its wily partizans alleged that the Judges would be more useful to the Country and to His Majesty's Service, by being called to sit and vote in the Upper House; *from which, succeeding Assemblies have, during many Sessions, endeavoured to expel them likewise.* The Legislative Council, however, perceiving nothing in the Constitution to warrant this Bill, rejected it, leaving to the judgment of the Electors, to choose Representatives possessing their confidence, from all classes not proscribed by the Letter of the Constitution, *which could only be altered by the Imperial Parliament, or by the joint concurrence of the three branches of the Provincial Legislature.*

Having shown a desire to introduce a Religious Test, as a qualification for a seat in the House of Assembly, and also to prevent the choice of their Constituents from falling upon the most respectable class of His Majesty's Servants, the Majority next proceeded to interfere with the Prerogative of the Sovereign, and to obstruct the progress of the English Tenure of Lands; which Free Tenure was well known to be the principal remaining attraction to Settlers of British origin, upon the Waste Lands of the Crown, that is to say, four fifths of Lower Canada, *which they preferred to see inhabited by wild beasts, rather than by Settlers of British origin.*

On Thursday the 24th of March, on Motion of *Mr. Bedard*, it was Resolved, "*That this House will, on Monday next, take into consi-* "*deration the alterations which it may be expedient to establish, touch-* "*ing the nature and consequences of Grants in Free and Common* "*Soccage, and the precautions necessary to be adopted to prevent the* "*Crown Lands from being settled by Strangers, professing principles* "*inimical to those necessary for preserving this Country to His Ma-* "*jesty's Empire.*"

This new project, though cloaked in the mantle of devotion to His Majesty's Empire, was seen through by the Governor General; and the Majority of this Assembly, more prudent than their successors, restricted their warfare to less noble game than the high Prerogative of the Crown, which secures to His Majesty, in his Colonies and Conquests, the choice of Purchasers and Settlers of the Waste Lands. The French Canadians must indeed make out a very strong case, and *prove that they have been disturbed in the enjoyment of their actual possessions,* before they have the shadow of an equitable right to complain against the policy pursued by His Majesty's Government, in replacing the ravenous beasts of the Canadian forests, by human beings of any nation, not even excepting the dispersed children of Israel.

In the same Chapter, we criticise a variety of Laws and Projects, showing that the urgent circumstances of a Commercial Colony, will induce interested Persons to petition for regulations, which, from the want of a congenial spirit in the Fundamental Laws, must be inefficient, and a mere lure to the hazard and destruction of the property of the Subjects. *This remark particularly refer to the Incorporation of Banking Establishments in Lower Canada, before obtaining the necessary protection of property, and the publicity of its mutations and encumbrances, by Register Offices.*

From the want of the spirit of British Legislation in the Fundamental Laws of Lower Canada, every attempt to introduce British Commercial Institutions and great undertakings, has been attended with much danger and inadequate success; and political jealousies continually interfere to embarrass and weaken associations among persons belonging to the learned professions; *Committees of Trade, Steam-Boat Companies, Banks, Insurance Offices, and Theatres,* ex-

tending even their disorganising effects to Societies for promoting Religion and Education, and for charitable purposes.

We next remark upon the important Act for the Trial of Controverted Elections. This Act, 48, Geo. III., Cap. 21, has been recently repealed by the Act 5, Geo. IV., Cap. 5, which, extending and modifying the previous enactments, gives complete scope to that principle of universal suffrage, which, under the present Constitution, will secure to the French Canadians, an overwhelming Majority in the House of Assembly.

In closing this busy Session, the Governor General, aware of the approaching General Election, did not express that disapprobation of part of the Proceedings of the Assembly, which he must have deeply felt; and he principally called the attention of both Houses, to the uncertain relations existing between Great Britain and the United States, and their duty to fortify the minds of the people with courage and loyalty, for the purpose of defending their Country, and securing the blessings conferred upon them by His Majesty's Government.

Our tenth Chapter commences with describing the Oligarchical Association, called the *Quebec Junta*, which the Government had gradually permitted to be formed, as a kind of defence against the increasing ambition of the House of Assembly. This Junta, closely connected with the Executive, comprised several French Canadian Placemen, and still continues to be a specimen of those anomalous associations, which a defective political Constitution inevitably introduces into any Country; and, in Lower Canada, though many of the Members have been merely actuated by private views, it has never entirely forfeited the confidence of the British Settlers, who have been justly impressed with the opinion, that its influence, on the march of the Administration, was more favourable to them, than the Measures originating in the House of Assembly.

This Oligarchy, consisting of the Executive, the Majority of the Legislative Council, Judges, Crown Lawyers and Placemen, still afforded some protection to British principles and improvement; and it was therefore the constant object of the jealousy of the Majority of the House of Assembly, which jealousy was considerably increased by the countenance which had been given to a Newspaper called the QUEBEC MERCURY, *wholly printed in the English Language, and occupied with extracts and discussions calculated to show the want of British Laws and improvements.* To counteract the influence of this English Press, the French Canadian Leaders, during the Administration of *President Dunn*, established a Newspaper called *the CANADIEN*, printed wholly in French, and entirely devoted to the ambitious views of the Majority of the House of Assembly, *which could chiefly be promoted by keeping the whole Province attached to the Laws, Language and Manners which existed at the Conquest*, concentrating their Constituents as a separate people, predominating eventually in

every department of the Government, over the Subjects of British origin, who, except in Quebec and Montreal, and in the Townships, might be said to be scattered in weak unconnected parties throughout the Seigniorial Grants of the King of France, and the Roman Catholic Parishes.

Among the characteristics of the *Canadien* Newspaper, should be particularly mentioned the mixture of abuse of the local Government, and of the British Settlers, with exaggerated expressions of loyalty to the King, and devotion to the Imperial Government, who were always represented as friendly to the ascendancy of the French Canadians, and to the full developement of a Constitution, which facilitated to the latter, an exclusive domination in Legislation and Finance, while it impeded the Anglification of the Colony, and the resort of all Settlers of British origin.

During the General Election of Members for the fifth House of Assembly, in June 1808, the disappointment of *Mr. J. A. Panet*, in his expectation of being re-elected for the City of Quebec, *ascribed to Executive intrigue*, produced such opprobrious violence in the pages of the *Canadien*, as drew the attention of the Governor; and *Mr. Panet* being one of its Patrons, he was dismissed from his Lieutenant Colonelcy of the Militia, and received a private intimation from the Provincial Secretary, *Mr. Ryland*, that this disgrace was owing to the seditious tendency of his Speeches and Writings inserted in the *Canadien* Newspaper.

The same Chapter next describes the firmness, and consistency, with which Sir James Craig defended the position which his own principles and the conduct of the Majority at the Election, had determined him to take in favour of the Subjects of British birth and origin. From this new and commanding position, he reviewed the state of the Country, *uninfluenced, for a time, by the temporising views of the Quebec Junta*, and perceived with sorrow, the multiplied grievances of the British population, and resolved to exert himself for their redress. These grievances are detailed, and can be readily ascribed, by our intelligent readers, to the virtual exclusion of that population from influence in the House of Assembly, and to the inimical effects of French Laws upon British Colonisation, Commerce, and general improvement.

The Provincial Parliament was summoned to meet, for the despatch of business, on the 10th of April, 1809; and *Mr. Panet* having been chosen Speaker, and contrary to expectation, approved by His Excellency, the Session was opened with a long Speech, in which the warlike exploits of Great Britain, and her unsatisfactory negociations with the United States, were reviewed, and Measures of domestic Legislation were recommended for the permanent encouragement of that industry, which the temporary stimulus of the American Embargo, and the influence of external Commerce, had called forth. An interesting extract from His Excellency's Speech, given

in the same Chapter, excited much discussion in the House of Assembly; but, except that he described the internal jealousies, against which he cautioned the Members, as being without cause or foundation, we conceive that His Excellency's remarks were seasonable and just. The Majority well knew that jealousies of the most prejudicial nature, must always exist under the present Constitution, paralysing the efforts of the Executive for every purpose of public improvement, and impeding every Measure recommended to the House of Assembly, by the other branches, for the promotion of British Colonisation and Commerce.

This short Session, being the first and last of the fifth Provincial Parliament, is distinguished by that intemperate heat in the proceedings of the Majority of the House of Assembly, which is reprobated in the Governor's closing Speech. All objects of internal improvement, for which the Petitions of enterprising Individuals covered the Speaker's Table, were postponed till the favourite questions of expelling a Jew and disabling Judges, could be disposed of.

The Bill passed by the preceding Assembly, for disabling the Judges, having been rejected by the Legislative Council, the Majority of the present, *containing several Members of a more revolutionary character*, now attempted to violate the Constitutional Act of the Imperial Parliament, by excluding that respectable class of His Majesty's Servants, by a simple Resolve; which, if permitted, would, in fact, have nullified the power of the other branches in all questions connected with the composition of the popular branch; but, with respect to the Judges, this alarming course was suspended for the moment, to be afterwards renewed *unsuccessfully, however*, in the sixth Parliament. The re-expulsion of *Ezekiel Hart*, Esquire, the Jew, who had been re-elected for the Borough of Three Rivers, took place by a simple Resolve; and the public sympathy and that respect for principles of Religious Toleration, which befits British Subjects, have never been displayed by again returning a Jew to serve as a Member of the House of Assembly.

The accounts of the Revenue and Expenditure having shown the prosperous state of the Finances, the Majority of the House of Assembly were encouraged to contemplate the assumption of the Civil List, as will hereafter appear. We describe the motives of this enterprise, originating in the ambition of the popular branch to obtain a complete controul over the expenditure of the produce of the taxes, levied upon imported goods, including British manufactures; this subject, being connected with those differences on Finances, which eventually brought the House of Assembly into direct collision with His Majesty's Government, and produced that display of the power of the French Canadian Leaders over their ignorant and prejudiced countrymen, which now alarms all the other Subjects, is particularly recommended to the attention of our intelligent and unprejudiced readers.

From the revolutionary temper now openly displayed, it is needless to state that Bills and other communications sent down from the Legislative Council, were neglected by the House of Assembly, and that the proceedings of this body soon exhausted the patience of the Governor.

Accordingly, on the 15th May, His Excellency closed this short Session; and intimated his intention of dissolving the House of Assembly, and, in His Majesty's name, appealing to the *sense of the people.* His Speech, on this important occasion, exhibited that mixture of military frankness, with disdain of compromise, which suited his character, *and formed an extraordinary contrast to all the speeches of his predecessors in the Administration of Lower Canada, under the British Crown.*

Our eleventh Chapter contrasts the uniform result of an appeal, by His Majesty, *to the sense of his people* in the United Kingdom, with the result of appeals, made in his behalf by the Governors of Lower Canada, *to the sense of the French Canadians.* In the former case, the reasons for dissolving the Parliament are approved by the election of a majority of members of the House of Commons favourable to the Ministry, and to the course of measures approved by His Majesty: in the latter, *the people have uniformly re-elected a majority of members opposed to the Provincial Administration.* To the permanent causes of this contrast we briefly allude, expressing our astonishment that, witnessing, during twenty years a radical opposition in the popular branch to the Local Administration, His Majesty's Ministers have not persevered in appealing to the wisdom of the Imperial Parliament, to devise or approve a remedy for a disorder which already exhibits Lower Canada in a state approaching to anarchy. That anarchy, *in the complete sense of the term,* does not yet exist, is owing partly to the powerful influence of the Imperial Government, partly to the military force under the command of the Governor, but chiefly to the want of energy and organisation in the adherents of the opposition, who, *in time of peace,* are called upon to contribute no money, or labour, or service in a direct or burthensome manner, by the Local Government. The opposition, therefore, at present, mere paralyses the Government, *in every effort to advance the improvement of the country and promote British Colonisation;* but the spirit of contempt for authority is nevertheless fostered by the opposition; and the rising generation of French Canadians, *receiving a French education,* may in a few years exhibit that degree of boldness which their fathers have not attained, and reduce into practice the political principles too long tolerated in their Leaders. The Imperial Government will then find, that, by neglecting the policy approved by the experience of other nations, of assimilating the popular branch in Lower Canada to that which produces attachment to the religion, language and glory of the King in the United Kingdom, they have merely preserved military possession of this Province, without that support of public opinion

which distinguishes a free from a despotic Government, and a dutiful co-operation in the execution of laws, from *mere submission to superior force.*

The Majority of the members of the dissolved House of Assembly made great exertions to be re-elected: and they succeeded chiefly by addressing the vanity and prejudices of their ignorant constituents, who were called upon to vindicate the rights which the Constitutional Act was asserted to have conferred upon them, *of choosing representatives obnoxious to the Government.* Every consideration of prudence, or apprehension of consequences, was treated with contempt in the *Canadien* newspaper, which was circulated and read gratuitously throughout the Roman Catholic Parishes. *Sir James Henry Craig's* person, and the supporters of his Government, were continual objects of obloquy and ridicule; and reports of the disapprobation of his conduct, and of his speedy recal and disgrace, by His Majesty, were fabricated as a means of enlisting the respect of the French Canadians for the Monarch, in the service of those who had determined systematically to oppose his Colonial Representative, whenever he would not submit to become the tool of their ambition. Those misrepresentations and intrigues are described at large in the eleventhChapter, and prepare the mind of the reader for the result. The old members opposed to Government in the fifth Parliament were re-elected for the sixth; and *Sir James Henry Craig*'s well intended experiment to produce harmony had a contrary effect.

During the recess, His Excellency made a progress through the new and old Settlements of the Province; and, while his personal observations confirmed the preceding reports of the grievances of the British Settlers, particularly in the Townships, he experienced much satisfaction from the progress which, under every disadvantage of French Laws, Feudal Tenures, and an ill constructed House of Assembly, the Province had made since he first visited it, during the American Revolutionary war.

The Governor General, on his return to Quebec, learnt that the unauthorised arrangement, by *Mr. Erskine*, of the differences with the United States, had been disapproved by His Majesty's Ministers; and this event, diminishing the hope of a long continuance of peace with that Country, is said to have disturbed his project of repairing the defects of the Constitution of Lower Canada. On this subject we beg leave to refer our readers to the same Chapter; while we hasten to recapitulate the proceedings of the first and only Session of the sixth Provincial Parliament. It was opened on the 29th of January, and closed on the 26th of February, 1810. *Mr. Panet* was re-elected Speaker; and the Governor made a Speech to both Houses, calculated to impress upon their minds, the duty of giving undivided attention to the means of preparing the Province to resist the probable hostility of the Government of the United States, who, by their dismissal of *Mr. Jackson*, His Majesty's new Plenipotentiary,

had manifested no desire to preserve friendly relations. His Excellency ended his Speech, by announcing his having consulted His Majesty's Ministers on the subject of disqualifying the Judges, and stating that he was authorised to give the Royal Assent to a Bill for that purpose, in which both Houses of the Provincial Legislature should have concurred.

Before replying to His Excellency's Speech, the Speaker of the Assembly, and the Majority, determined on recording, in the Journals of the House, a protest against the reprimand which the Governor had given them in his Speech at the Prorogation of the fifth Parliament. On the 3d of February, a resolve was accordingly passed, characterising, as a breach of the privileges of the House of Assembly, any attempt on the part of the other branches to dictate or censure its proceedings. Having thus, at the same time, cautioned His Excellency, and all others, including virtually the Editors of Newspapers, to beware of censuring their proceedings, the Majority returned to the newly discovered road of ambition, namely, that of obtaining a complete controul over the expenditure and application of the Provincial Revenue, including the Territorial Revenue which had accrued to His Majesty as the Suzerain or Superior of the Feudal Seigneurs, and the produce of Duties levied by Acts of the British Parliament, *before the existence of the House of Assembly*, as well as the produce of Duties levied by Acts of the Provincial Legislature. With this controul, the wily demagogues perceived that they might eventually dictate to the Executive, the Salaries, and even the Appointments of every Officer in the Civil Department, and turn to the advantage of themselves and their adherents, the whole expenditure of the Revenue of the Colony.

With such views, as evidenced by the conduct of future Majorities, comprising several Members of the present, the House of Assembly intimated, by an Address to His Excellency, as well as by Addresses to His Majesty, the Lords and Commons, which latter, the Governor was requested to transmit, its determination to assume the payment of all the necessary expenses of the Civil Government. These Addresses, however, as our intelligent readers may suppose, were couched in general terms, and did not insinuate that, in return for this assumption, the British Government was expected to transfer to the House of Assembly, the appropriation of Revenues rapidly increasing, which had been established before the existence of that body, nor that a change was contemplated, which would infallibly tempt the *Creature* of the British Parliament to dictate to its *Creator*. *Sir James Henry Craig*, and his Counsellors, perceived the object of this offer, though it was accompanied and cloked with all those expressions of Duty, with which the machinations of an ambitious inferior, are always presented to his superiors.

The answer of His Excellency, therefore, was extremely guarded; and he particularly insisted on the propriety and Constitutional right

of the Legislative Council to a concurrence in the Addresses of the Assembly, not only as being a co-ordinate branch of the Legislature, but as being composed of Individuals having a large stake in the Country. This answer was not satisfactory to the Assembly; and, with the view of censuring it by Resolve, it was referred to a Committee, principally composed of those Members who had planned the new system of dictating not only to the Governor and the Legislative Council, but to the Imperial Parliament.

The Bill introduced for *immediately* disabling the Judges, having been speedily passed, was returned by the Council, with an amendment, postponing their incapacity till the end of the present Parliament. The Majority of the House of Assembly were anxious to obtain the passage of this Act, but still more eager to relieve themselves from the presence of JUDGE DEBONNE; and they therefore returned to a vote of expulsion; and by a Majority of 19 to 10, they declared his seat vacant; they also rejected that part of the amendment of the Legislative Council, which would have admitted of this individual being re-elected or replaced by another Judge; and thus brought themselves into collision, not only with the Legislative Council and with the Governor's instructions, but also with the Constitutional rights of the Elective Body.

These proceedings, leading to an application through the Speaker of the House of Assembly, to His Excellency, to issue a Writ, in His Majesty's name, for the Election of a Member for the County of Quebec, in the place and stead of the expelled Judge, placed the Governor General in an unprecedented dilemma, from which he deemed it necessary to extricate himself by a new Dissolution of the Provincial Parliament.

We refer our readers to the extracts from His Excellency's Speech, contained in the eleventh Chapter, which will shew the correct view which he took of the proceedings of a House of Assembly, which rather desired to provoke, than to deprecate the exercise of His Majesty's Prerogative. This ambitious, but shortsighted body knew, like the fabulous *Anteus*, that in falling to the ground, it would acquire fresh strength; but it did not know that the British *Hercules*, according to our estimation of his genius, must eventually find means of destroying every particle of its offensive hostility to British Colonisation, rendering it totally inefficient in its efforts to give permanency to French Laws, Language and Characteristics in any concentrated Association on the Continent of North America, *which every political and philanthropic motive should induce to be completely* ENGLISH.

Our twelfth Chapter gives a view of the temporary causes which rendered the Governor's new appeal to the sense of the people totally inefficient, for any purpose of obtaining a House of Assembly more favourable to the views of the Executive, or to the interest of British Laws, Language and Colonisation.

The persons in authority, who had stigmatised the old Members as unworthy of being re-elected, were chiefly Protestants of British birth or descent, and naturally supposed to be partial to the Religion, Laws, Language and Manners of the *great majority of the United Kingdom of Great Britain and Ireland.* The event confirmed the previous inference which many disinterested reasoners had drawn, that the reprobation of Candidates for seats in the House of Assembly, by Governors and Councillors appointed by a Protestant and British King, would be rather a strong recommendation to the favor of a people, whose religious and Anti-British prejudices had been so preposterously fostered by the Legislative Acts of the British Parliament. The great Majority of the Members of the sixth House of Assembly were persons who *professed, at least* the Romish Religion, and the most persevering disposition to oppose whatever could tend to innovate upon the old French Laws, or to disturb the hereditary routine of rural labour and amusement, which distinguished their Constituents.

The old Members were so confident of the effects of the predilections of the constituent body, that they at first derided every doubt of success; but, perceiving the unprecedented energy with which the Executive, its immediate adherents, and the Subjects of British origin prepared to oppose them, they resumed the arms of ridicule and misrepresentation, which had done them such good service at the previous election. For this purpose, the newspaper *Le Canadien,* was adopted to furnish suitable texts for the oral comments of the Candidates and their agents; and it was circulated at such an extraordinary expense, as gave currency to an idle report, that it was partly supported by the Plenipotentiary of Napoleon Buonaparte, near the Government of the United States.

The *Canadien,* thus connected in the minds of the credulous, with the intrigues and ambition of the *Tyrant of Europe,* became the object of additional detestation and alarm to many persons well affected to the Government. Urged by them, and probably still farther stimulated by the writings which it contained, the Governor General, by the advice of the Executive Council, ordered the seizure of the *Canadien* Press, which, with all the papers found in the Printing Office, was conveyed, under a military escort, to Quebec. This act was followed up by such a display of military precautions, as induced the well disposed part of the community to believe, that an extensive conspiracy against the Government had been discovered. They were however, speedily undeceived, and led to suppose, that views of preserving the minds of the people from the contamination of the seditious sentiments, which flowed like a deluge from the *Canadien* Press, were the principal motives of its seizure; and, that the display of military preparation was made as a check upon the more violent agitators, who chiefly resided in the neighbourhood of the cities and towns. After an examination of the Papers found in the Printing Office of the *Canadien,* six persons only, three of them Members of the late

Parliament, were taken into custody, by Warrants signed by the Executive Councillors, in virtue of the power invested by the Act for the better preservation of His Majesty's Government.

The same Chapter describes the lingering affection of many of the Subjects of British origin, to the Constitution with all its defects, and notices the only indications of a wish to appeal to the Imperial Government, for its suspension, with the view of its future modification, which have come to the knowledge of the Writer. *This appeal was not made in such a form as would have encouraged the Ministry to take the high responsibility of ordering the temporary suspension of the Constitution, or moving the Parliament on the subject, at a period when there was no certainty of an accommodation of differences with the United States.*

The seventh Provincial Parliament met on the 12th of December, 1810, and was prorogued on the 21st of March, 1811; and the first Session was distinguished by greater industry and moderation on the part of the House of Assembly, than could have been expected. The variety of reasons alledged at the time to account for this change, is mentioned, but not deemed sufficient, more particularly that which ascribed to the Majority, a settled determination to make a moderate use of their triumph over the influence of the Executive at the recent General Election.

Mr. Panet was re-elected Speaker, and approved by His Excellency; who opened the Session with a Speech confined to the relations between Great Britain and the United States, and to local affairs. His Excellency recommended the continuation of the Acts for the better preservation of His Majesty's Government, and the regulation of Aliens; and he ended His Speech, by promising to concur in any Measures for the public welfare, which both Houses might jointly propose.

The Address of the Legislative Council, was an echo to the Speech; but the Majority of the House of Assembly, introduced into the Address of that body, a marked disapprobation of the use made by the Executive, of the powers conferred by the Act for the better preservation of His Majesty's Government; and this paragraph was remarked upon in the Governor's reply.

This same Chapter contains a long detail of questions connected with local affairs and proceedings on various Petitions, which the short Sessions and existences of the fifth and sixth Parliaments had kept in arrear.

On the 20th of March, this busy Session was closed with the interesting and impressive farewell Speech of *Sir James Henry Craig*, which is the more worthy of being referred to; because we may conjecture from it, that the Report of his Administration to the Prince Regent, his present Majesty, would not have concealed the jealousies existing between different portions of the Province, and among its mixed population, nor neglected to recommend some remedy for the

yearly accumulating evils arising from a defective Constitution. At a future day, when the interest of the state may permit the publication of the correspondence and reports of the Governors of Canada, we doubt not but *Sir James Henry Craig* will appear to great advantage, as the constant and uncompromising advocate of every measure which could conciliate the honour of His Majesty, and the interests of the Empire at large, with the union and welfare of the mixed population of Lower Canada. *His known independence of mind and fortune—the extensive knowledge of mankind which he had acquired in military and civil stations in every quarter of the world;—his advanced age, leaving him no strong passion to gratify but the love of honest fame—all these circumstances combined, induce us to believe that his Report of his Administration as Governor of Lower Canada, must have conveyed important truths, in plain language, to the Imperial Government; and that it formed, in many important points, as complete a contrast to those of his predecessors, as his Speeches to both Houses of the Parliament of Lower Canada, do to those of* LORD DORCHESTER AND SIR ROBERT SHORE MILNES.

END OF THE FIRST PART.

— Note * pg LXXVII

MONTREAL:—Printed in the HERALD OFFICE.

For "Speeches" of the Governor General Sir James Henry Craig - in antagonism with the House of Assembly of Lower Canada, - see a Book - lent me by Col D. Bridgford on the Late War in Canada", by 18

entitled "Memoirs of the Administration of Sir James Henry Craig and "Sir George Prevost, in the Province "of Lower Canada, from the Autumn "of 1807 until the Spring of 1815; "comprehending the Military and "Naval operations in the Canadas, "during the late war with the U. "States of America." - Comprising 235 pages - including the "Postscript" and the "Appendix" - the latter gives the war "Proclamations."

Caughnawaga - is a corruption of the Indian name for "The Rapids", viz - Kaknawaka - copied from the Dominion Monthly of Feb 1868 page 277 -